

EXHIBIT 1

JORDAN LIPPNER
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
AUSTIN FENNER and IKIMULISA LIVINGSTON,

Plaintiffs,
-against-

09 CIV 9832 (BSJ) (RLE)

NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a
THE NEW YORK POST and DAN GREENFIELD and
MICHELLE GOTTHELF,

Defendants.

-----X
SANDRA GUZMAN,

Plaintiff,

vs. 09 CIV 9323 (BSJ) (RLE)

NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a
THE NEW YORK POST, and COL ALLAN, in his
official and individual capacities,

Defendants.

-----X

VIDEOTAPED DEPOSITION OF JORDAN LIPPNER
New York, New York
Wednesday, February 29, 2012

REPORTED BY: BARBARA R. ZELTMAN
(BOBBIE)
Professional Stenographic Reporter

Job Number: 46779

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1 JORDAN LIPPNER

2 Q As you sit here now, you can't

3 recall any other documents that they showed

4 you beyond the ones that we produced this

5 week?

6 A No.

7 Q Did you do anything else to prepare

8 for your deposition today?

9 A No.

10 Q Are you employed by News Corp.?

11 A No.

12 Q Who is your employer?

13 A News America Incorporated.

14 Q What's the difference between News

15 America Incorporated and News Corp.?

16 MR. LERNER: Objection.

17 A They're two different corporations.

18 Q Well, describe what is News

19 Corporation.

20 MR. LERNER: Objection.

21 A I don't understand the question.

22 Q Okay.

23 There is a company called News

24 Corporation, correct?

25 A Agreed.

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1 JORDAN LIPPNER

2 Q Now, what is News America

3 Incorporated?

4 A It is a --

5 MR. LERNER: Objection.

6 You've asked in your 30(b)(6)

7 Deposition Notice, Mr. Thompson, to

8 explain how the operations of the

9 defendants are interrelated, how labor

10 relations are managed at the defendants,

11 common management of the defendants, and

12 common ownership and control of the

13 defendants. The defendants are News

14 Corporation and NYP Holdings.

15 That's what Mr. Lippner is here to

16 testify about.

17 Those are the entities which you've

18 directed the witness to be prepared to

19 speak about and that is what he's

20 prepared to speak about.

21 MR. THOMPSON: Mr. Lerner,

22 we'll just bring him back.

23 Are you instructing him not to

24 answer this question?

25 MR. LERNER: Yes.

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1 JORDAN LIPPNER

2 Q Describe that company, Mr. Lippner.

3 MR. LERNER: Objection.

4 A It's a company that -- it's a

5 multi -- it's a company that owns various

6 media entities throughout the world in the

7 newspaper industry, television, movies,

8 in-store advertising, various online visual

9 properties.

10 I think worldwide News Corp. has

11 about 50-, 60,000 employees among all the

12 different subsidiaries that it owns. It's

13 headquartered in New York. It's a Delaware

14 corporation.

15 I don't know how else to answer

16 your question.

17 Q Is there a chairman of News

18 Corporation?

19 A Yes.

20 Q Who is that?

21 A Chairman of the Board of News

22 Corporation is K. Rupert Murdoch.

23 Q So there is a board of directors at

24 News Corporation?

25 A That is correct.

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1 JORDAN LIPPNER

2 (Directive to witness.)

3 MR. THOMPSON: Okay.

4 BY MR. THOMPSON:

5 Q Mr. Lippner, are you going to

6 answer my last question?

7 A I'm following my attorney's advice.

8 MR. THOMPSON: Will you please

9 mark that again for another ruling.

10 BY MR. THOMPSON:

11 Q How long have you worked for News

12 America Incorporated?

13 A Ten years.

14 Q What is your title?

15 A Senior vice president, deputy

16 general counsel.

17 Q Now you are appearing here as a

18 30(b)(6) witness, correct?

19 A That's correct.

20 Q And you also appeared at every

21 other deposition in this case, correct?

22 A I've been present, yes.

23 Q And you've also represented a

24 witness who was deposed in this case -- in

25 Ms. Guzman's case, correct?

<p style="text-align: right;">Page 42</p> <p>1 JORDAN LIPPNER</p> <p>2 to Mr. Lippner while this question is</p> <p>3 pending, whispering in his ear while</p> <p>4 this question is pending, which is</p> <p>5 improper.</p> <p>6 MR. LERNER: The record can so</p> <p>7 reflect.</p> <p>8 MR. THOMPSON: The record will</p> <p>9 not only reflect, the video will</p> <p>10 reflect that while a question is</p> <p>11 pending, you leaned over and</p> <p>12 whispered something in his ear, which</p> <p>13 was improper.</p> <p>14 Please conduct yourself</p> <p>15 professionally here.</p> <p>16 MR. LERNER: Mr. Thompson,</p> <p>17 we're trying to proceed with the</p> <p>18 deposition without further</p> <p>19 interruption.</p> <p>20 (Requested portion of record read:</p> <p>21 "Q. So my question to you is</p> <p>22 different. I will ask it to you this</p> <p>23 way: Were you serving as in-house</p> <p>24 counsel for NYP Holdings at Sandra</p> <p>25 Guzman's deposition on October 13,</p>	<p style="text-align: right;">Page 43</p> <p>1 JORDAN LIPPNER</p> <p>2 2011?")</p> <p>3 (End of read-back.)</p> <p>4 A No.</p> <p>5 Q What capacity were you serving that</p> <p>6 day?</p> <p>7 A Deputy general counsel for News</p> <p>8 America Incorporated.</p> <p>9 Q What role does News America</p> <p>10 Incorporated have with The New York Post?</p> <p>11 A News America Incorporated is the</p> <p>12 parent company of NYP Holdings which is the</p> <p>13 company that owns and publishes The Post.</p> <p>14 Q And both News America Incorporated</p> <p>15 and The New York Post are subsidiaries of</p> <p>16 News Corporation, correct?</p> <p>17 A They are indirect subsidiaries.</p> <p>18 Q What do you mean "indirect</p> <p>19 "subsidiaries"?</p> <p>20 A They are not directly owned by News</p> <p>21 Corporation.</p> <p>22 Q How do you know that?</p> <p>23 A Because I'm familiar with the</p> <p>24 corporate structure.</p> <p>25 Q Well, who actually owns The New</p>
<p style="text-align: right;">Page 44</p> <p>1 JORDAN LIPPNER</p> <p>2 York Post?</p> <p>3 A I just told you who does.</p> <p>4 Q Okay.</p> <p>5 Who owns News America Incorporated?</p> <p>6 A News Publishing Australia Holdings</p> <p>7 Limited.</p> <p>8 Q Isn't it fair to say, Mr. Lippner,</p> <p>9 that Rupert Murdoch owns News Corporation,</p> <p>10 News America Incorporated. and The New York</p> <p>11 Post?</p> <p>12 MR. LERNER: Objection.</p> <p>13 A No.</p> <p>14 Q Is it your testimony that Rupert</p> <p>15 Murdoch does not own The New York Post?</p> <p>16 MR. LERNER: Objection.</p> <p>17 A Correct.</p> <p>18 Q Now, do you know how many employees</p> <p>19 work at The New York Post?</p> <p>20 A Hundreds.</p> <p>21 Q How many?</p> <p>22 A I don't know for sure.</p> <p>23 Q Mr. Lippner, you are testifying</p> <p>24 today as the 30(b)(6) witness for The New</p> <p>25 York Post.</p>	<p style="text-align: right;">Page 45</p> <p>1 JORDAN LIPPNER</p> <p>2 Is it your testimony that you</p> <p>3 have -- you do not know how many employees</p> <p>4 work for The Post?</p> <p>5 A That's exactly what I just said,</p> <p>6 Mr. Thompson.</p> <p>7 MR. LERNER: And he answered</p> <p>8 you with a rough number.</p> <p>9 Q Mr. Lippner, how is it possible</p> <p>10 that you came here today as 30(b)(6) witness</p> <p>11 for News Corporation but yet you don't know</p> <p>12 how many employees work for News</p> <p>13 Corporation? And yet you came here also as</p> <p>14 a 30(b)(6) witness for New York Post and you</p> <p>15 don't know how many employees work for</p> <p>16 The New York Post?</p> <p>17 MR. LERNER: Objection.</p> <p>18 A Mr. Thompson, you served a 30(b)(6)</p> <p>19 Notice. You wrote the 30(b)(6) Notice in</p> <p>20 the manner that you did. Nowhere in the</p> <p>21 30(b)(6) Notice that you personally wrote</p> <p>22 does it say anywhere that the 30(b)(6)</p> <p>23 witness is supposed to be prepared to</p> <p>24 testify exactly how many employees each</p> <p>25 corporate defendant employs.</p>

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<p>1 JORDAN LIPPNER</p> <p>2 That's my answer.</p> <p>3 Q How many employees work at News</p> <p>4 America Incorporated?</p> <p>5 A I don't know.</p> <p>6 Q You don't even know how many</p> <p>7 employees work at the company that employs</p> <p>8 you?</p> <p>9 MR. LERNER: Objection.</p> <p>10 Mr. Thompson, again, you have not</p> <p>11 asked him to come and testify as a</p> <p>12 30(b)(6) witness on the number of</p> <p>13 employees of these companies.</p> <p>14 If you had wanted him to prepare to</p> <p>15 tell you how many employees certain</p> <p>16 companies have, your Notice could have</p> <p>17 said that.</p> <p>18 You could ask him hundreds of</p> <p>19 questions about the characteristics of</p> <p>20 each of these companies that are not</p> <p>21 listed in the 30(b)(6) Deposition Notice.</p> <p>22 He is not clairvoyant and neither</p> <p>23 am I. We do not know in advance, we did</p> <p>24 not have your list of questions that your</p> <p>25 were going to ask at this deposition.</p>	<p>1 JORDAN LIPPNER</p> <p>2 What we have is your 30(b)(6) Notice.</p> <p>3 That specifies what Mr. Lippner</p> <p>4 prepared for and that specifies what he</p> <p>5 will testify to today.</p> <p>6 MR. THOMPSON: Mr. Lerner, I</p> <p>7 state again you are unduly</p> <p>8 restricting the scope of the 30(b)(6)</p> <p>9 Deposition Notice.</p> <p>10 We will take it up with the Court.</p> <p>11 BY MR. THOMPSON:</p> <p>12 Q Mr. Lippner, I want you to identify</p> <p>13 the subsidiaries of News Corporation.</p> <p>14 A I couldn't possibly identify all of</p> <p>15 them.</p> <p>16 Q Identify as many as you can.</p> <p>17 A News Publishing Australia Holdings,</p> <p>18 News America Incorporated, NYP Holdings,</p> <p>19 News Marketing America, HarperCollins</p> <p>20 Publishers, FOX Television Stations.</p> <p>21 There are hundreds and hundreds of</p> <p>22 subsidiaries.</p> <p>23 Q Where are the corporate</p> <p>24 headquarters of News Corp. located?</p> <p>25 A In Manhattan, 1211 Avenue of the</p>
Page 48	Page 49
<p>1 JORDAN LIPPNER</p> <p>2 Americas.</p> <p>3 Q Where are the corporate and</p> <p>4 editorial offices of The New York Post</p> <p>5 located?</p> <p>6 A The editorial offices of The New</p> <p>7 York Post are located on the tenth floor and</p> <p>8 a little bit of the ninth floor of that</p> <p>9 address.</p> <p>10 The corporate offices, I'm not sure</p> <p>11 what you mean by the "corporate offices of</p> <p>12 The New York Post."</p> <p>13 Q Where are the business offices of</p> <p>14 The New York Post located?</p> <p>15 A Business offices of The New York</p> <p>16 Post are now located at 1185 Avenue of the</p> <p>17 Americas.</p> <p>18 Q How long had the business offices</p> <p>19 of The New York Post been located at</p> <p>20 1185 Avenue of the Americas?</p> <p>21 A I think around a year. About a</p> <p>22 year.</p> <p>23 Q About a year.</p> <p>24 Before the business offices of</p> <p>25 The New York Post were located at</p>	<p>1 JORDAN LIPPNER</p> <p>2 1185 Avenue of the Americas, where were they</p> <p>3 located?</p> <p>4 A They were located in a couple of</p> <p>5 spots.</p> <p>6 Some part of the ninth floor.</p> <p>7 Q At 1211 Avenue of the Americas?</p> <p>8 A Correct. And some part of the</p> <p>9 15th floor of that same building.</p> <p>10 Q Okay.</p> <p>11 So is it fair to say that -- strike</p> <p>12 that.</p> <p>13 How long were the business offices</p> <p>14 of The New York Post located at 1211 Avenue</p> <p>15 of the Americas?</p> <p>16 MR. LERNER: Objection.</p> <p>17 If you know.</p> <p>18 A There was a time when they were</p> <p>19 located down on South Street. I don't</p> <p>20 believe that they've been located down on</p> <p>21 South Street since the early '90s.</p> <p>22 Q So is it fair to say that as far as</p> <p>23 you know, the business offices of The New</p> <p>24 York Post have been located at 1211 Avenue</p> <p>25 of the Americas since the early '90s?</p>

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1 JORDAN LIPPNER

2 A I can certainly say that since the

3 entire time that Ms. Guzman has -- was

4 employed by The Post, they were located on

5 the ninth floor at The Post.

6 Q What about since the entire time

7 that Ms. Livingston has been employed?

8 A I don't recall when Ms. Livingston

9 began her employment. But I think to use

10 your word, it's probably a fair statement to

11 say that certainly the overwhelming majority

12 of the time Ms. Livingston was employed, the

13 business offices were located at 1211 Avenue

14 of the Americas.

15 Q So is it fair to say that during

16 Ms. Guzman's employment, News Corp. and

17 The New York Post shared office space at

18 1211 Avenue of the Americas?

19 MR. LERNER: Objection.

20 A No.

21 Q Is it fair to say that during

22 Ms. Guzman's employment, News Corp. and

23 The New York Post had office space in

24 1211 Avenue of the Americas?

25 MR. LERNER: Objection.

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1 JORDAN LIPPNER

2 1211 Avenue of the Americas during

3 Ms. Guzman's employment?

4 A The chief financial officer.

5 Q Who was that?

6 A David Devoe. D-E-V-O-E.

7 The deputy chief financial officer.

8 Q Who was that?

9 A John Nallen, N-A-L-L-E-N.

10 The group general counsel.

11 Q Who was that during Ms. Guzman's

12 employment?

13 A During her employment there were

14 two group general counsels.

15 The first was Arthur Siskind. And

16 he was succeeded by Lawrence Jacobs.

17 Q Who is the current group general

18 counsel for News Corp.?

19 A A gentleman by the name of Gerson

20 Zweifach, Z-W-E-I-F-A-C-H.

21 Q When did he become the general

22 counsel of News Corp.?

23 A About three/four weeks ago.

24 Q And before he became general

25 counsel, was Lawrence Jacobs the general

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1 JORDAN LIPPNER

2 A News Corp. and The New York Post

3 each had their own offices at 1211 Avenue of

4 the Americas during Ms. Guzman's employment.

5 Q During Ms. Guzman's employment,

6 what floors did News Corp. occupy at

7 1211 Avenue of the Americas?

8 And just for the record, Ms. Guzman

9 worked at the company from 2003 to almost

10 the end of 2009.

11 A Right.

12 The eighth floor was occupied by

13 News Corp.

14 Q What offices did News Corp. have on

15 the eighth floor at 1211 Avenue of the

16 Americas during that time?

17 A That's where the senior executives

18 are housed.

19 Q Was Rupert Murdoch's office located

20 on the eighth floor during that time frame?

21 A It was.

22 Q Is it still located on that floor?

23 A It is.

24 Q What other executives of News Corp.

25 had offices on the eighth floor at

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1 JORDAN LIPPNER

2 counsel for News Corp.?

3 A There was an interim acting general

4 counsel.

5 Q Who was that?

6 A Janet Nova.

7 Q Do you know if the current general

8 counsel of News Corp. also has an office on

9 the eighth floor at 1211 Avenue of the

10 Americas?

11 A I do.

12 Q Are there any other officers or

13 executives who occupy offices on the eighth

14 floor of 1211 Avenue of the Americas who

15 work for News Corp.?

16 A Yes.

17 Q Who else?

18 A Joel Klein.

19 Q What position does Joel Klein have

20 with News Corp.?

21 A He heads the company's education

22 division.

23 He's also, I believe he's a member

24 of the Office of the Chairman.

25 Q Do you know if anyone else has an

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<p>1 JORDAN LIPPNER</p> <p>2 office on the eighth floor of 1211 Avenue of</p> <p>3 the Americas who works for News Corp.?</p> <p>4 A Are we talking presently?</p> <p>5 Q Yeah. Tell me presently.</p> <p>6 A I believe Jeff Mook.</p> <p>7 Q Who is Jeff Mook?</p> <p>8 A He is head of human resources for</p> <p>9 News Corporation.</p> <p>10 Q Was the head of human resources for</p> <p>11 News Corp. also located on the eighth floor</p> <p>12 when Sandra Guzman was employed?</p> <p>13 A Correct.</p> <p>14 Q And who was that at the time?</p> <p>15 A There were a couple of different</p> <p>16 people.</p> <p>17 The first was Ian Moore and the</p> <p>18 second was a woman named Beryl, B-E-R-Y-L,</p> <p>19 Cook.</p> <p>20 Q Do you know if any other News Corp.</p> <p>21 executives occupied office on the eighth</p> <p>22 floor at 1211 Avenue of the Americas?</p> <p>23 A There may be a few others, but</p> <p>24 those are the ones that come to mind.</p> <p>25 Q What about during Ms. Guzman's</p>	<p>1 JORDAN LIPPNER</p> <p>2 employment, can you think of anyone else?</p> <p>3 A At the --</p> <p>4 MR. LERNER: Objection. These</p> <p>5 are the people that presently occupy</p> <p>6 that space. So when you say can you</p> <p>7 think of anyone else --</p> <p>8 MR. THOMPSON: I just said</p> <p>9 during Ms. Guzman's employment.</p> <p>10 MR. LERNER: Understood. But</p> <p>11 when you said can you think of anyone</p> <p>12 else, to me the question supposes</p> <p>13 that these people occupied that space</p> <p>14 during Ms. Guzman's employment which</p> <p>15 is not his testimony.</p> <p>16 MR. THOMPSON: Then I'll make</p> <p>17 it crystal clear.</p> <p>18 Q Can you think of any other News</p> <p>19 Corp. executive that occupied the eighth</p> <p>20 floor during Ms. Guzman's employment?</p> <p>21 A While Ms. Guzman was employed,</p> <p>22 Mr. Murdoch, Mr. Nallen, Mr. Devoe,</p> <p>23 Mr. Siskind, Mr. Jacobs, Mr. Moore, Ms. Cook</p> <p>24 had office space up there.</p> <p>25 There were others such as -- there</p>
Page 56	Page 57
<p>1 JORDAN LIPPNER</p> <p>2 was a gentleman by the name of Andrew</p> <p>3 Butcher.</p> <p>4 Q Who was Andrew Butcher?</p> <p>5 A He was head of our communications</p> <p>6 department at one point.</p> <p>7 There was a gentleman by the name</p> <p>8 of Gary Ginsburg. He was also in</p> <p>9 communications.</p> <p>10 A woman by the name of Rachel</p> <p>11 Webber.</p> <p>12 Gentleman by the name of Leon</p> <p>13 Hertz.</p> <p>14 Those are all the names that I</p> <p>15 think of.</p> <p>16 MR. THOMPSON: Can you go back</p> <p>17 to his statements just now.</p> <p>18 Q You testified, Mr. Lippner, when I</p> <p>19 asked you who Andrew Butcher was, you said</p> <p>20 he was head of our communications department</p> <p>21 at one point.</p> <p>22 What do you mean by "head of our</p> <p>23 communications department at one point"?</p> <p>24 A I mean he was head of News</p> <p>25 Corporation.</p>	<p>1 JORDAN LIPPNER</p> <p>2 I thought that that was what we</p> <p>3 were talking about, who were the News</p> <p>4 Corporation employees on the eighth floor.</p> <p>5 Q So when you say "our," do you</p> <p>6 consider yourself to be part of News</p> <p>7 Corporation?</p> <p>8 A In a global sense.</p> <p>9 Q What do you mean by "in a global</p> <p>10 sense"?</p> <p>11 A Well, I work for a company that's</p> <p>12 owned by News Corporation.</p> <p>13 Q But do you believe you work for</p> <p>14 News Corporation?</p> <p>15 A No.</p> <p>16 Q Now, during Ms. Guzman's employment</p> <p>17 from 2003 to 2009, did News Corporation</p> <p>18 occupy any of the floors at 1211 Avenue of</p> <p>19 the Americas, that you know of?</p> <p>20 A There were News Corp. employees on</p> <p>21 the fourth floor and there were News Corp.</p> <p>22 employees at some point on the seventh</p> <p>23 floor.</p> <p>24 That's it.</p> <p>25 Q Identify the News Corp. employees</p>

<p style="text-align: right;">Page 70</p> <p>1 JORDAN LIPPNER</p> <p>2 scope of the 30(b)(6) Deposition</p> <p>3 Notice.</p> <p>4 MR. THOMPSON: It's not. It's</p> <p>5 not, Mr. Lerner. If you instruct him</p> <p>6 not to answer, that's your right but</p> <p>7 it's not.</p> <p>8 MR. LERNER: He's already told</p> <p>9 you he can't answer.</p> <p>10 Q Well, my question is why can't you</p> <p>11 answer?</p> <p>12 MR. LERNER: Hold on. Since</p> <p>13 it's not part of the 30(b)(6)</p> <p>14 Deposition Notice --</p> <p>15 MR. THOMPSON: It is.</p> <p>16 MR. LERNER: -- he's not</p> <p>17 prepared to answer the names of</p> <p>18 employees of News America Marketing</p> <p>19 which is not a defendant in the case.</p> <p>20 The 30(b)(6) Deposition Notice asks</p> <p>21 questions about the defendants in the</p> <p>22 case.</p> <p>23 MR. THOMPSON: Well,</p> <p>24 Mr. Lerner, what you fail to</p> <p>25 understand is that News Corporation,</p>	<p style="text-align: right;">Page 71</p> <p>1 JORDAN LIPPNER</p> <p>2 based on his testimony and the</p> <p>3 testimony of Col Allan, is one</p> <p>4 company that has different division.</p> <p>5 You can call them subsidiaries. It's</p> <p>6 clearly one company that's</p> <p>7 interrelated.</p> <p>8 BY MR. THOMPSON:</p> <p>9 Q My question, sir, is why can't you</p> <p>10 tell me us the identities of those News</p> <p>11 America Marketing employees?</p> <p>12 A There's a few reasons.</p> <p>13 Q Okay. Tell us.</p> <p>14 A There's never been a point in my</p> <p>15 life where I've learned the identity of all</p> <p>16 the employees for News America Marketing.</p> <p>17 Q I'm not asking you to identify all</p> <p>18 of them. Identify some.</p> <p>19 MR. LERNER: Hold on. I don't</p> <p>20 think he was finished with the answer</p> <p>21 to the question that you asked him,</p> <p>22 which is why can't he name all the</p> <p>23 people from News America Marketing</p> <p>24 that occupied the fifth floor of</p> <p>25 1211 Avenue of the Americas at a time</p>
<p style="text-align: right;">Page 72</p> <p>1 JORDAN LIPPNER</p> <p>2 before Paul Carlucci became publisher</p> <p>3 of The Post.</p> <p>4 A It's also not information that was</p> <p>5 covered by the 30(b)(6) Notice, so I did not</p> <p>6 prepare to be able to testify as to who did</p> <p>7 or did not work for News America Marketing</p> <p>8 in 2003, for example.</p> <p>9 Q Well, do you know who Les Goodstein</p> <p>10 is?</p> <p>11 A I do.</p> <p>12 Q Who is he?</p> <p>13 A He is an employee of News America</p> <p>14 Incorporated.</p> <p>15 Q How long has he been an employee of</p> <p>16 News America Incorporated?</p> <p>17 A I think he joined us around 2006.</p> <p>18 Q And what position did he join the</p> <p>19 company as?</p> <p>20 A He joined us I think in a marketing</p> <p>21 capacity and also to work on the small</p> <p>22 community newspapers that the company had</p> <p>23 acquired or was intending to acquire.</p> <p>24 Q What company acquired the community</p> <p>25 newspapers?</p>	<p style="text-align: right;">Page 73</p> <p>1 JORDAN LIPPNER</p> <p>2 A News America Incorporated.</p> <p>3 Q Do you know the specific title</p> <p>4 Mr. Goodstein assumed when he joined News</p> <p>5 America Incorporated?</p> <p>6 A I did at one point. I don't know</p> <p>7 his specific title today.</p> <p>8 Q Is Mr. Goodstein still an employee</p> <p>9 of News America Incorporated?</p> <p>10 A Yes.</p> <p>11 Q Has he ever worked for News</p> <p>12 Corporation?</p> <p>13 A No.</p> <p>14 Q When Ms. Guzman worked at the</p> <p>15 company, was there like an employee</p> <p>16 cafeteria at 1211 Avenue of the Americas?</p> <p>17 A Yes.</p> <p>18 Q What floor was that cafeteria</p> <p>19 located on?</p> <p>20 A The third floor.</p> <p>21 Q Who occupied the third floor in</p> <p>22 terms of companies?</p> <p>23 MR. LERNER: Objection.</p> <p>24 A Nobody occupies the third floor.</p> <p>25 Q Well, do you know if the third</p>

<p style="text-align: right;">Page 78</p> <p>1 JORDAN LIPPNER</p> <p>2 A My understanding is that the</p> <p>3 conference rooms were available for use by</p> <p>4 any employees of any subsidiary of News</p> <p>5 Corporation.</p> <p>6 So News America Marketing</p> <p>7 employees, HarperCollins employees, FOX</p> <p>8 television employees, New York Post</p> <p>9 employees.</p> <p>10 You just had to sign up and request</p> <p>11 them.</p> <p>12 Q Now, when Ms. Guzman worked at the</p> <p>13 company -- and she worked at 1211 Avenue of</p> <p>14 the Americas, correct?</p> <p>15 A When Ms. Guzman worked for The New</p> <p>16 York Post, she worked -- started on the</p> <p>17 tenth floor and for most of the time was on</p> <p>18 the 9th floor.</p> <p>19 Q At 1211 Avenue of the Americas,</p> <p>20 correct?</p> <p>21 A That's correct.</p> <p>22 Q Now, when she worked at the</p> <p>23 company, were there other organizations,</p> <p>24 separate and apart from News Corporation and</p> <p>25 its subsidiaries, located at 1211 Avenue of</p>	<p style="text-align: right;">Page 79</p> <p>1 JORDAN LIPPNER</p> <p>2 the Americas?</p> <p>3 A Yes.</p> <p>4 MR. LERNER: Objection.</p> <p>5 Hold on.</p> <p>6 You said when she worked at the</p> <p>7 company.</p> <p>8 There are two corporate defendants</p> <p>9 here. So we'll take it to mean when you</p> <p>10 say "the company," she was employed by</p> <p>11 The New York Post, we'll take it to mean</p> <p>12 The New York Post.</p> <p>13 MR. THOMPSON: No, I don't mean</p> <p>14 that.</p> <p>15 MR. LERNER: Then you should</p> <p>16 state what corporate entity you mean.</p> <p>17 MR. THOMPSON: When I say "the</p> <p>18 company" I mean News Corporation and</p> <p>19 The New York Post.</p> <p>20 A Let me clarify my answer. As I</p> <p>21 stated in my prior answer to your prior</p> <p>22 question, Ms. Guzman worked for The New York</p> <p>23 Post.</p> <p>24 So if -- I don't know what your</p> <p>25 last question was.</p>
<p style="text-align: right;">Page 80</p> <p>1 JORDAN LIPPNER</p> <p>2 Q Well, I'll have it read back since</p> <p>3 you forgot it.</p> <p>4 MR. THOMPSON: Will you read it</p> <p>5 back, please.</p> <p>6 (Requested portion of record read:</p> <p>7 "Q. Now, when she worked at the</p> <p>8 company, were there other organizations,</p> <p>9 separate and apart from News Corporation</p> <p>10 and its subsidiaries, located at 1211</p> <p>11 Avenue of the Americas?")</p> <p>12 (End of read-back.)</p> <p>13 A When Ms. Guzman worked for The New</p> <p>14 York Post, there were and are other</p> <p>15 companies that have nothing to do whatsoever</p> <p>16 with News Corporation and its subsidiaries</p> <p>17 that have their offices located at 1211</p> <p>18 Avenue of the Americas.</p> <p>19 Q Now when she worked at the company,</p> <p>20 did employees of those organizations that</p> <p>21 had nothing to do with News Corporation, did</p> <p>22 they have access to the employee cafeteria?</p> <p>23 MR. LERNER: Objection.</p> <p>24 A They could have gained access if</p> <p>25 they wanted to.</p>	<p style="text-align: right;">Page 81</p> <p>1 JORDAN LIPPNER</p> <p>2 Q Why do you say that?</p> <p>3 A Well --</p> <p>4 Q Well, let me ask it differently.</p> <p>5 When you walk into 1211 Avenue of</p> <p>6 the Americas, do you have to use some type</p> <p>7 of electronic security pass to get up to the</p> <p>8 floors occupied by News Corp. or The New</p> <p>9 York Post?</p> <p>10 A You have to use an ID card to get</p> <p>11 access to -- I believe there are four</p> <p>12 different elevator banks. Once you gain</p> <p>13 access to that general area, you do not need</p> <p>14 your ID card to go up in the elevator.</p> <p>15 Q Do you know if there's one type of</p> <p>16 ID card that all the employees who work at</p> <p>17 the various subsidiaries of News Corp. use</p> <p>18 at that building?</p> <p>19 A I know that employees of the</p> <p>20 different companies have different ID cards.</p> <p>21 Q Okay.</p> <p>22 Now, when you -- I believe you said</p> <p>23 that the cafeteria was on the fifth floor?</p> <p>24 A The cafeteria is on the third</p> <p>25 floor.</p>

<p style="text-align: right;">Page 106</p> <p>1 JORDAN LIPPNER</p> <p>2 MR. LERNER: Objection.</p> <p>3 A On the days that The New York Post</p> <p>4 security guards are not at 1211, they are</p> <p>5 providing security for New York Post</p> <p>6 employees at 900 East 132nd Street.</p> <p>7 Q So I'm going to ask the question</p> <p>8 differently.</p> <p>9 When there are no New York Post</p> <p>10 security officers at 1211 Avenue of the</p> <p>11 Americas, who provides security for The New</p> <p>12 York Post employees at 1211 Avenue of the</p> <p>13 Americas?</p> <p>14 A The building owner -- and I don't</p> <p>15 know who the building owner is but it is not</p> <p>16 News Corp. or any of its subsidiaries --</p> <p>17 provides security for the tenants of the</p> <p>18 building.</p> <p>19 Q Okay.</p> <p>20 So what role does the Security</p> <p>21 Department for News Corp. play differently</p> <p>22 than the security that the building owner</p> <p>23 provides?</p> <p>24 MR. LERNER: Objection. Beyond</p> <p>25 the scope of 30(b)(6) Deposition</p>	<p style="text-align: right;">Page 107</p> <p>1 JORDAN LIPPNER</p> <p>2 Notice.</p> <p>3 MR. THOMPSON: It's not.</p> <p>4 MR. LERNER: Instructing the</p> <p>5 witness not to answer the question.</p> <p>6 (Directive to witness.)</p> <p>7 Q Mr. Lippner, are you going to</p> <p>8 answer that question?</p> <p>9 A I'm going to follow the advice of</p> <p>10 my counsel.</p> <p>11 Q Isn't it fair to say that the</p> <p>12 Security Department for News Corp. also</p> <p>13 provides security for The New York Post</p> <p>14 employees at 1211 Avenue of the Americas?</p> <p>15 A No.</p> <p>16 Q Do you have an e-mail address at</p> <p>17 work?</p> <p>18 A Yes.</p> <p>19 Q What is it?</p> <p>20 A Jlippner@newscorp.com.</p> <p>21 Q Do you have a -- strike that.</p> <p>22 Has that been your e-mail address</p> <p>23 for the past several years?</p> <p>24 A It has.</p> <p>25 Q Was it your e-mail address when</p>
<p style="text-align: right;">Page 108</p> <p>1 JORDAN LIPPNER</p> <p>2 Ms. Guzman worked at the company?</p> <p>3 A Absolutely.</p> <p>4 Q Now, do you also have an e-mail</p> <p>5 address that is specifically tied to News</p> <p>6 America Incorporated?</p> <p>7 MR. LERNER: Objection.</p> <p>8 A I only have one address and it is</p> <p>9 jlippner@newscorp.com and that is my News</p> <p>10 America Incorporated e-mail address.</p> <p>11 Q So is it fair to say, Mr. Lippner,</p> <p>12 that employees who work for The New York</p> <p>13 Post have a different e-mail address than a</p> <p>14 News Corp. e-mail address?</p> <p>15 MR. LERNER: Objection.</p> <p>16 A Employees who work for The New York</p> <p>17 Post do not have a News America Incorporated</p> <p>18 e-mail address or a News Corporation e-mail</p> <p>19 address. They have a New York Post e-mail</p> <p>20 address.</p> <p>21 Q Do you know why you have a newscorp</p> <p>22 e-mail address if you work for News America</p> <p>23 Incorporated?</p> <p>24 MR. LERNER: Object to form.</p> <p>25 A I do not have a News Corporation</p>	<p style="text-align: right;">Page 109</p> <p>1 JORDAN LIPPNER</p> <p>2 e-mail address. I have a News America</p> <p>3 Incorporated e-mail address.</p> <p>4 Q Okay.</p> <p>5 Is it fair to say, Mr. Lippner,</p> <p>6 that your e-mail address is</p> <p>7 jlippner@newscorp.com?</p> <p>8 A My work e-mail is that e-mail, yes.</p> <p>9 Q And I'm only talking about your</p> <p>10 work e-mail. I'm not talking about private</p> <p>11 e-mail right now or personal e-mail.</p> <p>12 Why, Mr. Lippner, do you have a</p> <p>13 newscorp.com e-mail address if you work for</p> <p>14 News America Incorporated?</p> <p>15 MR. LERNER: Objection.</p> <p>16 Mr. Thompson, the reason for</p> <p>17 Mr. Lippner's e-mail address has nothing</p> <p>18 to do with the relationship between</p> <p>19 The New York Post and News Corp.</p> <p>20 Mr. Lippner does not work for</p> <p>21 The New York Post. He doesn't have an</p> <p>22 office at The New York Post and he's</p> <p>23 testified to that.</p> <p>24 MR. THOMPSON: Yes. But,</p> <p>25 Mr. Lerner, as you know, Mr. Lippner</p>

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<p>1 JORDAN LIPPNER 2 has maintained an office at 3 1211 Avenue of the Americas for 4 years. 5 The same address where the 6 editorial and business offices of The New 7 York Post are located. 8 I have a right to probe this 9 witness regarding the e-mail addresses 10 used by News Corp. employees and The New 11 York Post employees, and I'm asking him 12 why does he have a newscorp e-mail 13 address if he works for News America 14 Incorporated. 15 It is a fair area to inquire to 16 determine if News Corp. and News America 17 Incorporated are the same company. 18 MR. LERNER: It's beyond the 19 scope. 20 MR. THOMPSON: It is not. 21 MR. LERNER: I'm directing the 22 witness not to answer that question. 23 (Directive to witness.) 24 BY MR. THOMPSON: 25 Q Mr. Lippner, do you know if there</p>	<p>1 JORDAN LIPPNER 2 is one computer server for News Corp. 3 employees and New York Post employees? 4 MR. LERNER: Objection. 5 A I know there is not one computer 6 server. 7 Q Tell us -- describe the different 8 computer servers for The New York Post 9 employees and -- as opposed to the computer 10 server for the News Corp. employees? 11 MR. LERNER: As best you can 12 and understanding that you are not an 13 IT specialist. 14 MR. THOMPSON: Mr. Lerner, he 15 doesn't have to be an IT specialist. 16 He has to be prepared to answer the 17 questions that are relevant to the 18 30(b)(6) Dep Notice. 19 MR. LERNER: I'm not even sure 20 what a server is. And Mr. Lippner 21 and I are both lawyers, as are you. 22 So he can answer that question as 23 best he can with that understanding. 24 A I am not what you would call a 25 computer geek or very IT savvy.</p>
Page 112	Page 113
<p>1 JORDAN LIPPNER 2 What I can tell you is that The New 3 York Post maintains separate and distinct 4 computer databases, computer servers from 5 News Corporation. 6 They have nothing to do with each 7 other. Each company has separate IT 8 departments. 9 I don't know how else to answer 10 your question. 11 Q Do you know anyone who has a 12 newsamerica.com e-mail address? 13 A Yes. 14 Q Who? 15 A Every employee of News America 16 Marketing. 17 Q News America Marketing? 18 A Yes. 19 Q So what's the e-mail address for 20 employees at News America Marketing? 21 MR. LERNER: Objection. 22 A Something to do with their name, 23 @newsamerica.com. 24 Q Is it fair to say, Mr. Lippner, 25 that you and other attorneys for News</p>	<p>1 JORDAN LIPPNER 2 America Incorporated have a newscorp.com 3 e-mail address at work? 4 A I'm sorry, can you repeat the 5 question. 6 (Requested portion of record read: 7 "Q. Is it fair to say, 8 Mr. Lippner, that you and other attorneys 9 for News America Incorporated have a 10 newscorp.com e-mail address at work?") 11 (End of read-back.) 12 A Yes. My and my News America 13 Incorporated legal colleagues, our e-mail 14 addresses end with newscorp.com. 15 Q Do you know why your e-mail 16 addresses end with newscorp.com as opposed 17 to newsamerica.com? 18 MR. LERNER: Objection. This 19 is exactly the same question in which 20 we already had a colloquy and we have 21 objected to the question, and I 22 instruct the witness not to answer 23 beyond the scope of this Deposition 24 Notice. 25 (Directive to witness.)</p>

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JORDAN LIPPNER

But let me move on because you read one part of the 30(b)(6) Deposition Notice, and you forgot to read the most important part that goes to this area of inquiry.

"One: Explain how, if at all, the operations of the Defendants are interrelated."

Now, we've established, Mr. Lerner, through this witness that News Corp. has a board of directors, and we've established through this witness that The New York Post has a board of directors, so we need to probe and we have a right to probe whether there is any interrelated activity between the board of directors or any members of the board of directors of News Corp. with the board of directors at The New York Post.

It is improper for you to suggest that this is not a fair area of inquiry.

It is completely fair and dead on in terms of the Dep Notice.

BY MR. THOMPSON:

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JORDAN LIPPNER

Q Why not?

A Because it's not part of the scope of the Notice that you sent.

Q So you don't believe that finding out more information about the board of directors is relevant to the Dep Notice that we sent; is that your testimony?

MR. LERNER: Objection.

A I think my prior statement stands on its own.

Q Okay.

Where do the board of directors of The New York Post meet?

A I do not know.

Q Where does the board of directors of News Corp. meet?

A I do not know.

Q How often does the board of directors of News Corp. --

MR. LERNER: Mr. Thompson,

there is clear case law that the boards of directors and memberships of the boards of directors and the operations of boards in which members

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JORDAN LIPPNER

Q Mr. Lippner, I just want the record to be clear, as a 30(b)(6) witness for The New York Post, is it your testimony that all you know about The New York Post board of directors is that one exists?

A That's not my testimony.

Q So tell us what you know about the board of directors at The New York Post.

For example, how often does it meet?

A Paul Carlucci, Dave Devoe, Rupert Murdoch and Lon Jacobs sat on the board of directors for The New York Post as of the date of Ms. Guzman's employment termination.

Q How often did the board of directors at The New York Post meet during Ms. Guzman's employment?

A I do not know.

Q How often does the board of directors at The New York Post meet today?

A I don't know.

Q Did you seek to get that information before your deposition today?

A No.

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JORDAN LIPPNER

wear different hats has no relevance to the questions that of where this is all going, which is, as I understand it, joint employment, joint control.

MR. THOMPSON: You don't understand it.

If that's your belief, you are mistaken. Okay. Because that's not --

MR. LERNER: It's not even relevant to the subject matter.

MR. THOMPSON: These questions are relevant.

I'm going to continue.

MR. LERNER: Excuse me one second.

(Lippner Exhibit 2, Defendant NYP Holdings, Inc. d/b/a The New York Post, Objections and Responses to Plaintiffs' First Set of Interrogatories, was marked for Identification.)

BY MR. THOMPSON:

Q Mr. Lippner, I'm now showing you

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1 JORDAN LIPPNER
 2 ten-year employment at News America
 3 Incorporated.
 4 And during that ten-year period, I
 5 have not once had a discussion with any
 6 executive at The New York Post about a
 7 policy that they were implementing or a new
 8 policy that was handed down. Period.
 9 And no new policies have been
 10 handed down in that regard.
 11 So I'm basing that as my statement
 12 that I don't believe a single policy has
 13 been handed down by the board of directors
 14 of The New York Post on New York Post
 15 employees.
 16 Q Do you know if Paul Carlucci ever
 17 set policy for The New York Post employees?
 18 A Yes.
 19 Q How do you know that?
 20 A Because I do.
 21 Q What's the basis besides "I do"?
 22 A The New York Post a few years ago
 23 implemented a formal annual performance
 24 appraisal system. It was the first time in
 25 The Post history that they were implementing

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1 JORDAN LIPPNER
 2 New York Post?
 3 A I mean every situation stands on
 4 its own.
 5 Q I understand that. My question is
 6 different.
 7 My question is: Is there a person
 8 at The New York Post who has final authority
 9 over personnel decisions affecting New York
 10 Post employees?
 11 MR. LERNER: Objection.
 12 A You know, I think I don't then
 13 really understand your question.
 14 Q I'll ask it differently.
 15 Does Paul Carlucci have final say
 16 over personnel decisions at The New York
 17 Post?
 18 MR. LERNER: Objection.
 19 A No.
 20 Q Does Rupert Murdoch have final say
 21 over personnel decision at The New York
 22 Post?
 23 A No.
 24 Q Who has final say over personnel
 25 decisions at The New York Post?

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1 JORDAN LIPPNER
 2 such a procedure, and they were implementing
 3 it because Paul Carlucci wanted to implement
 4 it.
 5 Q Do you know if Paul Carlucci
 6 discussed that particular policy during any
 7 board meeting?
 8 A I do not.
 9 Q Strike that.
 10 Do you know if Paul Carlucci
 11 discussed that particular policy during any
 12 meeting of the board of directors of The New
 13 York Post?
 14 A I do not.
 15 Q Mr. Lippner, who has final
 16 authority over personnel decisions at News
 17 Corporation?
 18 A It would depend on the employee
 19 that we're talking about.
 20 Q Well, is there one person who had
 21 final authority over personnel decisions at
 22 News Corp.?
 23 A No.
 24 Q Is there one person who has final
 25 authority over personnel decisions at The

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1 JORDAN LIPPNER
 2 A Your question has a faulty premise.
 3 You are suggesting that such a person
 4 exists.
 5 Q I'll ask it differently then.
 6 Does any person or group have final
 7 say over personnel decisions at The New York
 8 Post?
 9 MR. LERNER: Objection.
 10 A As I said before, each situation
 11 will stand on its own.
 12 If you are talking about, for
 13 example, Bob Smith, random employee who
 14 works in the sales department, is going to
 15 get fired and the manager in the sales
 16 department is going to be handling that.
 17 If you are talking about one in
 18 editorial, some senior editor will be
 19 handling that.
 20 There is no mandatory policy or
 21 procedure that dictates at The New York Post
 22 how someone gets fired.
 23 Q Who is the highest ranking person
 24 at The New York Post?
 25 A Paul Carlucci.

<p style="text-align: right;">Page 150</p> <p>1 JORDAN LIPPNER</p> <p>2 Q Who does he report to?</p> <p>3 A He reports to the chairman of the</p> <p>4 board of directors.</p> <p>5 Q Who is that?</p> <p>6 A Rupert Murdoch.</p> <p>7 Q So at any time isn't it fair to say</p> <p>8 that Rupert Murdoch has final authority over</p> <p>9 The New York Post?</p> <p>10 MR. LERNER: Objection.</p> <p>11 A No.</p> <p>12 Q Is it your testimony, Mr. Lippner,</p> <p>13 that Paul Carlucci has more authority over</p> <p>14 The New York Post than Rupert Murdoch?</p> <p>15 MR. LERNER: Objection.</p> <p>16 A Yes. Paul Carlucci runs the</p> <p>17 day-to-day operations of The Post. He is</p> <p>18 the senior-most executive at The Post.</p> <p>19 Q So if Paul Carlucci wanted to fire</p> <p>20 someone in sales at The New York Post, he</p> <p>21 had final authority to do that?</p> <p>22 MR. LERNER: Objection.</p> <p>23 A I don't know what you mean by</p> <p>24 "final authority."</p> <p>25 Q It is your testimony that Paul</p>	<p style="text-align: right;">Page 151</p> <p>1 JORDAN LIPPNER</p> <p>2 Carlucci is the highest ranking person at</p> <p>3 The New York Post, correct?</p> <p>4 A It's my testimony that he is the</p> <p>5 highest ranking executive of The New York</p> <p>6 Post.</p> <p>7 Q Okay.</p> <p>8 And who is the highest ranking</p> <p>9 editor at The New York Post?</p> <p>10 A Col Allan.</p> <p>11 Q And who does Col Allan report to?</p> <p>12 A He also reports in to, as I</p> <p>13 understand it, he reports in to the chairman</p> <p>14 of the board of The New York Post, Rupert</p> <p>15 Murdoch.</p> <p>16 Q So is it your testimony that Paul</p> <p>17 Carlucci would have more authority over</p> <p>18 firing an employee at The New York Post than</p> <p>19 Rupert Murdoch?</p> <p>20 MR. LERNER: Objection.</p> <p>21 A Yes.</p> <p>22 Q Is it also your testimony that Col</p> <p>23 Allan would have more authority in firing</p> <p>24 someone who works in the Editorial</p> <p>25 Department at The New York Post over Rupert</p>
<p style="text-align: right;">Page 152</p> <p>1 JORDAN LIPPNER</p> <p>2 Murdoch?</p> <p>3 MR. LERNER: Objection.</p> <p>4 A Mr. Murdoch does not get involved</p> <p>5 with employee terminations at The New York</p> <p>6 Post.</p> <p>7 Q That's not my question.</p> <p>8 Can you answer my question.</p> <p>9 A I just answered it.</p> <p>10 Q No you have not.</p> <p>11 (Requested portion of record read:</p> <p>12 "Q. Is it also your testimony that</p> <p>13 Col Allan would have more authority in</p> <p>14 firing someone who works in the Editorial</p> <p>15 Department at The New York Post over</p> <p>16 Rupert Murdoch?")</p> <p>17 (End of read-back.)</p> <p>18 A Yes. Mr. Murdoch does not get</p> <p>19 involved in employee terminations at The New</p> <p>20 York Post.</p> <p>21 MR. THOMPSON: Move to strike</p> <p>22 the last part of his answer as</p> <p>23 nonresponsive.</p> <p>24 Don't worry, Bobbie, we'll take a</p> <p>25 break.</p>	<p style="text-align: right;">Page 153</p> <p>1 JORDAN LIPPNER</p> <p>2 MR. LERNER: Ken, it's five</p> <p>3 after 1.</p> <p>4 MR. THOMPSON: Want to take a</p> <p>5 break now?</p> <p>6 MR. LERNER: It's -- I actually</p> <p>7 have 1:10 on my watch.</p> <p>8 MR. THOMPSON: Do you want to</p> <p>9 take a lunch break?</p> <p>10 MR. LERNER: Yes.</p> <p>11 MR. THOMPSON: What time do you</p> <p>12 want to resume?</p> <p>13 MR. LERNER: 2:00.</p> <p>14 THE VIDEOGRAPHER: The time is</p> <p>15 1:09 p.m. We're off the record.</p> <p>16 (A luncheon recess was</p> <p>17 taken at 1:09 p.m. 2:15 p.m.)</p> <p>18 A F T E R N O O N S E S S I O N</p> <p>19 JORDAN LIPPNER,</p> <p>20 resumed, having been previously</p> <p>21 duly sworn, was examined</p> <p>22 and testified further as follows:</p> <p>23 THE VIDEOGRAPHER: The time is</p> <p>24 2:15 p.m. We're on the record.</p> <p>25 CONTINUED EXAMINATION BY MR. THOMPSON:</p>

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1 JORDAN LIPPNER
 2 Page 4 of your position statement, which is
 3 Bates stamped NYP-7.
 4 A Yes.
 5 Q Now, isn't it correct, Mr. Lippner,
 6 that the information you put in this EEOC
 7 statement was accurate at the time, correct?
 8 A I believe so.
 9 Q You would not want to mislead the
 10 EEOC, would you?
 11 A I believe in being accurate,
 12 Mr. Thompson.
 13 Q And as far as you know today,
 14 everything contained in this EEOC position
 15 statement is accurate, correct?
 16 A I believe so.
 17 Q You reviewed it before you
 18 submitted it to the EEOC, correct?
 19 A Yes.
 20 Q Direct your attention to Page 4.
 21 There is a headline you had there,
 22 "The Post Commitment to Equal Opportunity."
 23 Do you see that?
 24 A Yes.
 25 Q You state "During the course of

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1 JORDAN LIPPNER
 2 are all kinds of documents and forms that
 3 they are provided with.
 4 Everything from filling out their
 5 healthcare elections to giving them
 6 different policy documents of the company,
 7 whether it's The New York Post travel
 8 reimbursement policy or the Standards of
 9 Business Conduct or any other document that
 10 The Post provides to its employees.
 11 Q In that paragraph, top paragraph on
 12 Page 4, you state "The company's Equal
 13 Employment Opportunity philosophy applies to
 14 all aspects of employment with the company."
 15 Do you see that?
 16 A I do.
 17 Q What company were you referring?
 18 A The New York Post.
 19 Q And then you write "including but
 20 not limited to recruiting, hiring, training,
 21 transfer, promotion, employee benefits,
 22 compensation, termination, educational
 23 assistance, leave of absence, and social and
 24 recreation activities."
 25 Do you see that?

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1 JORDAN LIPPNER
 2 charging party's employment, The Post has
 3 maintaining equal employment policy which is
 4 distributed to all employees."
 5 Do you see that?
 6 A I do.
 7 Q Now, for the record, "charging
 8 party" refers to Sandra Guzman, correct?
 9 A Yes, sir.
 10 Q So you are stating in this
 11 particular EEOC statement on Page 4 that
 12 during Ms. Guzman's employment, The Post
 13 maintained an equal employment policy,
 14 correct?
 15 A That is correct.
 16 Q And that policy was distributed to
 17 all employees, right?
 18 A That is correct.
 19 Q How is that policy distributed to
 20 all employees?
 21 A It's part of the new hire packet.
 22 Any time an employee gets hired.
 23 Q What do you mean "part of the new
 24 hire packet"?
 25 A When an employee gets hired, there

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1 JORDAN LIPPNER
 2 A I absolutely do.
 3 Q Now, you also made it a point to
 4 the EEOC to let them know that you say "In
 5 addition, through this policy The Post
 6 informs its employees how they may make
 7 complaints about any perceived unlawful
 8 treatment."
 9 Do you see that?
 10 A I do.
 11 Q How did The New York Post inform
 12 its employees how to make complaints about
 13 any perceived unlawful treatment?
 14 MR. LERNER: Objection.
 15 Q When Ms. Guzman worked at the
 16 company.
 17 MR. LERNER: Objection.
 18 I don't believe this question is
 19 within the scope of the 30(b)(6).
 20 MR. THOMPSON: I'm not going to
 21 fight you on that. I have a more
 22 pressing matter.
 23 Q I want to direct your attention to
 24 the statement -- you actually attached a
 25 copy of The Post EEOC policy in Exhibit 1,

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<p>1 JORDAN LIPPNER</p> <p>2 correct?</p> <p>3 A I did.</p> <p>4 Q In fact, on Page 4 you say "A true</p> <p>5 and correct copy of The Post's EEO policy is</p> <p>6 attached as Exhibit 1," correct?</p> <p>7 A That's correct.</p> <p>8 Q Let's look at Exhibit 1 of this</p> <p>9 EEOC position statement.</p> <p>10 And you will find that on</p> <p>11 Page NYP-20.</p> <p>12 You see where it says "Exhibit 1"?</p> <p>13 A I do.</p> <p>14 Q And then you go on, you included</p> <p>15 this exhibit which is entitled Equal</p> <p>16 Employment Opportunity, Unlawful Harassment,</p> <p>17 correct?</p> <p>18 A That is correct.</p> <p>19 Q Now, so when you were referring to</p> <p>20 a true and correct copy of The Post EEO</p> <p>21 policy, the EEO policy is actually contained</p> <p>22 in Exhibit 1, correct?</p> <p>23 A Yes.</p> <p>24 Q Now, is this the policy that New</p> <p>25 York Post employees were expected to follow</p>	<p>1 JORDAN LIPPNER</p> <p>2 when Ms. Guzman worked there?</p> <p>3 A It is one of the policies, yeah.</p> <p>4 Q One of the policies that New York</p> <p>5 Post employees were expected to follow,</p> <p>6 correct?</p> <p>7 A Correct. Absolutely.</p> <p>8 Q Is this a policy of News</p> <p>9 Corporation?</p> <p>10 A It's a policy that was originally</p> <p>11 promulgated by News Corporation.</p> <p>12 Q How do you know that this is a</p> <p>13 policy originally promulgated by News</p> <p>14 Corporation?</p> <p>15 A Because I know where it comes from.</p> <p>16 Q Where does it come from?</p> <p>17 A It comes from the News Corporation</p> <p>18 Standards of Business Conduct.</p> <p>19 Q So the record is clear, when you</p> <p>20 were describing this policy to the EEOC,</p> <p>21 this EEO policy, you were talking about a</p> <p>22 policy that was created by News Corporation,</p> <p>23 correct?</p> <p>24 A I was talking about a policy that</p> <p>25 The New York Post uses as its fair work</p>
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<p>1 JORDAN LIPPNER</p> <p>2 environment policy.</p> <p>3 Q Yes. But that policy was created</p> <p>4 by News Corporation, correct?</p> <p>5 MR. LERNER: Objection.</p> <p>6 A I mean, I've already stated that</p> <p>7 that's the case.</p> <p>8 Q Okay.</p> <p>9 So is it fair to say that when</p> <p>10 Ms. Guzman worked at The New York Post, she</p> <p>11 was expected to follow the EEOC policy</p> <p>12 created by News Corporation?</p> <p>13 MR. LERNER: Objection.</p> <p>14 A When Ms. Guzman worked at The New</p> <p>15 York Post, she was expected to comply with</p> <p>16 the Standards of Business Conduct, among</p> <p>17 other policy documents which were provided</p> <p>18 to her by The Post.</p> <p>19 The Post uses the News Corporation</p> <p>20 Standards of Business Conduct which among</p> <p>21 other things contains a fair work</p> <p>22 environment policy or as the section is</p> <p>23 called Equal Opportunity and Unlawful</p> <p>24 Harassment.</p> <p>25 There's no factual dispute that the</p>	<p>1 JORDAN LIPPNER</p> <p>2 document Standards of Business Conduct</p> <p>3 originates from the parent company.</p> <p>4 (Lippner Exhibit 10, Standards</p> <p>5 of Business Conduct, Bates Numbers</p> <p>6 NYP-58 through NYP-75, was marked</p> <p>7 for Identification.)</p> <p>8 BY MR. THOMPSON:</p> <p>9 Q Mr. Lippner, I'm now showing you</p> <p>10 what's been marked Lippner Deposition</p> <p>11 Exhibit 10. It's Bates stamped NYP-58</p> <p>12 through NY-P75.</p> <p>13 And I'll represent to you that the</p> <p>14 defendant, The New York Post, produced this</p> <p>15 document in discovery.</p> <p>16 Please take a moment and look it</p> <p>17 and tell us if you recognize it.</p> <p>18 Do you recognize it?</p> <p>19 A I do.</p> <p>20 Q What is it?</p> <p>21 A It is one of the versions of the</p> <p>22 Standards of Business Conduct.</p> <p>23 Q And this is News Corporation's</p> <p>24 Standards of Business Conduct, correct?</p> <p>25 A It is both News Corporation's and</p>

<p style="text-align: right;">Page 230</p> <p>1 JORDAN LIPPNER</p> <p>2 to these News Corp. Standards of Business</p> <p>3 Conduct, if an employee violated these</p> <p>4 standards, they could be terminated?</p> <p>5 A As I said, you are asking a</p> <p>6 hypothetical question whether or not someone</p> <p>7 could be disciplined. Whether they could be</p> <p>8 disciplined at this point can result in</p> <p>9 their discharge, you know, is a</p> <p>10 determination that could only be made by</p> <p>11 that employee's supervisor in conjunction</p> <p>12 likely with that company's HR Department.</p> <p>13 It's not -- there's no answer -- if</p> <p>14 we flip through every page of the Standards</p> <p>15 of Business Conduct, we are not going to</p> <p>16 find anywhere where it states, for example,</p> <p>17 if you do X, you'll be disciplined in this</p> <p>18 way, if you do Y, you'll be disciplined in</p> <p>19 that way. That's not what this document</p> <p>20 means.</p> <p>21 Q Let me ask you this: Where it says</p> <p>22 in this document "board of directors of the</p> <p>23 company," as the 30(b)(6) witness for News</p> <p>24 Corporation and The New York Post, what</p> <p>25 board of directors is referred to there?</p>	<p style="text-align: right;">Page 231</p> <p>1 JORDAN LIPPNER</p> <p>2 A I don't know.</p> <p>3 Based on the way the Standards is</p> <p>4 written, I would take that to mean the board</p> <p>5 of directors of that particular company, but</p> <p>6 I don't know. It could be either. But then</p> <p>7 I already said that to you.</p> <p>8 Q Mr. Lippner, we don't want you to</p> <p>9 guess.</p> <p>10 A I don't want to guess either. And</p> <p>11 as I said to you, I don't know what it</p> <p>12 refers to.</p> <p>13 Q Mr. Lippner, you are here as the</p> <p>14 30(b)(6) witness for News Corp. and The New</p> <p>15 York Post. Is it your testimony that you</p> <p>16 have no idea what board of directors it</p> <p>17 referred to when it states "These standards</p> <p>18 have been adopted by the board of directors</p> <p>19 of the Company"?</p> <p>20 MR. LERNER: Objection. Asked</p> <p>21 and answered twice already.</p> <p>22 MR. THOMPSON: Not this</p> <p>23 question, Mr. Lerner.</p> <p>24 MR. LERNER: No. Yeah. This</p> <p>25 question is just said in a more</p>
<p style="text-align: right;">Page 232</p> <p>1 JORDAN LIPPNER</p> <p>2 combative and obstructive way.</p> <p>3 MR. THOMPSON: It's not said in</p> <p>4 a more combative way. It's said in a</p> <p>5 more specific way to make it clear.</p> <p>6 A Mr. Thompson, you can add a</p> <p>7 different word or two to your question or</p> <p>8 change your tone of voice, as you have. I</p> <p>9 can't answer your question in any other way</p> <p>10 than the way I already have.</p> <p>11 Q Well, Mr. Lippner, you knew you had</p> <p>12 to provide testimony at this deposition</p> <p>13 today in these federal lawsuits against the</p> <p>14 company.</p> <p>15 Did you endeavor in preparing for</p> <p>16 your deposition today to determine which</p> <p>17 board of directors is referred to when it</p> <p>18 says "board of directors of the Company"?</p> <p>19 A No.</p> <p>20 Q Why not?</p> <p>21 A I didn't deem it part of my</p> <p>22 preparation for the 30(b)(6) Notice.</p> <p>23 Q So Mr. Lippner, is it correct that</p> <p>24 as you sit here today as a 30(b)(6) witness</p> <p>25 for the News Corp. and The New York Post,</p>	<p style="text-align: right;">Page 233</p> <p>1 JORDAN LIPPNER</p> <p>2 that you do not know the identity of any</p> <p>3 members of the board of directors referred</p> <p>4 to in this particular Standards of Business</p> <p>5 Conduct?</p> <p>6 MR. LERNER: Objection.</p> <p>7 A Ken, I don't know what you expect</p> <p>8 me to answer. I've given you my answer.</p> <p>9 Q And the answer is you don't know?</p> <p>10 A I think four or five times I've</p> <p>11 said that.</p> <p>12 Q Mr. Lippner, I want to direct your</p> <p>13 attention to the page Bates stamped NYP-68.</p> <p>14 A Okay.</p> <p>15 Q Do you see where it stays "Fair</p> <p>16 Work Environment"?</p> <p>17 A I do.</p> <p>18 Q Now, when you did training of New</p> <p>19 York Post employees regarding fair work</p> <p>20 environment, did you use this particular</p> <p>21 policy as part of your training?</p> <p>22 A It depends what particular training</p> <p>23 session we're talking about, what documents</p> <p>24 were used.</p> <p>25 If you are asking me have I ever</p>

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<p>1 JORDAN LIPPNER</p> <p>2 used it, I'm sure I've used it.</p> <p>3 Q Where it says "B, Fair Work</p> <p>4 Environment." It says "the Company."</p> <p>5 A Yes.</p> <p>6 Q Is it your understanding that the</p> <p>7 company referred to there is News</p> <p>8 Corporation?</p> <p>9 A No. It would depend on who I was</p> <p>10 doing the training for. If I was doing the</p> <p>11 training for The New York Post, "the</p> <p>12 Company" would refer to The New York Post.</p> <p>13 Q Wait. Let me ask it differently.</p> <p>14 Is it your testimony, Mr. Lippner,</p> <p>15 that the policies stated in the Fair Work</p> <p>16 Environment section on NYP-68 are News Corp.</p> <p>17 policies?</p> <p>18 A No -- well, again it depends on the</p> <p>19 situation.</p> <p>20 Q What do you mean "it depends on the</p> <p>21 situation"?</p> <p>22 A Well, as I've already testified,</p> <p>23 these policies -- and it states quite</p> <p>24 clearly, I think it was the third page of</p> <p>25 this exhibit, that the use of the word</p>	<p>1 JORDAN LIPPNER</p> <p>2 "Company" refers to interchangeably News</p> <p>3 Corporation as well as the particular -- you</p> <p>4 know, the various individual companies that</p> <p>5 the company -- that News Corporation owns</p> <p>6 throughout the world.</p> <p>7 So if I am, for example, a -- I'm a</p> <p>8 News America Incorporated employee, when I</p> <p>9 read this document and I read the words "the</p> <p>10 Company," I could replace the words "the</p> <p>11 Company" each time that appears with the</p> <p>12 words "News America Incorporated."</p> <p>13 Likewise, if I'm a New York Post</p> <p>14 employee, I could replace the words "the</p> <p>15 Company" with "The New York Post maintains a</p> <p>16 strong equal employment." Et cetera.</p> <p>17 Q Okay, the policy reflected in the</p> <p>18 Fair Work Environment is a policy</p> <p>19 promulgated by News Corporation, correct?</p> <p>20 MR. LERNER: Objection.</p> <p>21 A The entire document was originally</p> <p>22 adopted, as we've discussed, by the News</p> <p>23 Corporation staff, board of directors.</p> <p>24 I don't know what you by</p> <p>25 "promulgate."</p>
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<p>1 JORDAN LIPPNER</p> <p>2 Q Well, earlier you mentioned</p> <p>3 "promulgate," did you not?</p> <p>4 MR. LERNER: He's not finished.</p> <p>5 A I'm not finished with my answer.</p> <p>6 Q Okay.</p> <p>7 A Since we're dealing with</p> <p>8 Ms. Guzman, Mr. Fenner, Ms. Livingston, all</p> <p>9 of whom are New York Post employees, I will</p> <p>10 tailor my answer accordingly.</p> <p>11 This document, Standards of</p> <p>12 Business Conduct, is utilized and</p> <p>13 disseminated by The New York Post for its</p> <p>14 employees, and The New York Post requires</p> <p>15 its employees to comply with the policies</p> <p>16 set forth herein.</p> <p>17 These policies are New York Post</p> <p>18 policies.</p> <p>19 Q Okay.</p> <p>20 My question is different now: Is</p> <p>21 the policy set forth in the Fair Work</p> <p>22 Employment section a policy that was adopted</p> <p>23 by the board of directors of News</p> <p>24 Corporation?</p> <p>25 A The entire document, the entire</p>	<p>1 JORDAN LIPPNER</p> <p>2 Standards of Business Conduct, was</p> <p>3 originally adopted by News Corp.'s board of</p> <p>4 directors.</p> <p>5 Q So News Corp.'s board of directors</p> <p>6 adopted a policy reflected in the Fair Work</p> <p>7 Environment section that New York Post</p> <p>8 employees had to abide by during</p> <p>9 Ms. Guzman's employment, correct?</p> <p>10 A New York Post employees had to</p> <p>11 abide by the Fair Work Environment section</p> <p>12 because The New York Post requires its</p> <p>13 employees to do so.</p> <p>14 Q Can The New York Post adopt its own</p> <p>15 policies regarding Fair Work Environment</p> <p>16 separate and apart from any policy</p> <p>17 promulgated by News Corporation?</p> <p>18 A It can.</p> <p>19 Q Has it done so, as far as you know?</p> <p>20 A I believe The New York Post used</p> <p>21 to -- I don't know if it's still does --</p> <p>22 have a stand-alone fair work environment</p> <p>23 policy that was not a policy that was</p> <p>24 contained in the Standards of Business</p> <p>25 Conduct.</p>

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<p>1 JORDAN LIPPNER</p> <p>2 Q When did that occur?</p> <p>3 A I know such policy existed while</p> <p>4 Ms. Guzman was employed.</p> <p>5 The Post has adopted lots of</p> <p>6 policies on its own for its employees.</p> <p>7 You know, News Corporation doesn't</p> <p>8 get involved on a micro level with how</p> <p>9 The New York Post polices its own employees.</p> <p>10 Q When you see the term "The Company</p> <p>11 will endeavor to keep the workplace free of</p> <p>12 any conduct that creates an intimidating,</p> <p>13 hostile or abusive work environment," is it</p> <p>14 your understanding that the company referred</p> <p>15 there includes News Corporation?</p> <p>16 A No.</p> <p>17 Q I want to direct your attention to</p> <p>18 Page 60, NYP-60, again at the top.</p> <p>19 A Okay.</p> <p>20 Q Can you read into the record the</p> <p>21 first sentence of these Standards of</p> <p>22 Business Conduct?</p> <p>23 A Sure. "News Corporation, the</p> <p>24 Company, has a firmly established policy of</p> <p>25 conducting its affairs in compliance with</p>	<p>1 JORDAN LIPPNER</p> <p>2 all applicable laws and regulations and</p> <p>3 observing the highest standards of business</p> <p>4 ethics."</p> <p>5 Q Now, Mr. Lippner, as someone who</p> <p>6 has worked as an attorney for News America</p> <p>7 Incorporated for many years, would you agree</p> <p>8 that the term "Company" in that sentence</p> <p>9 means News Corporation?</p> <p>10 MR. LERNER: Objection.</p> <p>11 A What I would agree is that in this</p> <p>12 document, the word "the Company" changes</p> <p>13 depending on where you are employed.</p> <p>14 If you are a New York Post</p> <p>15 employee, the word "the Company" means</p> <p>16 The New York Post. If you are a News</p> <p>17 Corporation employee, it means the News</p> <p>18 Corporation.</p> <p>19 Q I want you to show us, Mr. Lippner,</p> <p>20 and take your time, where it says that</p> <p>21 anywhere in this document, that the term</p> <p>22 "company" changes depending on where you</p> <p>23 work within the family of the News Corp.</p> <p>24 companies.</p> <p>25 I want you to show us. Take your</p>
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<p>1 JORDAN LIPPNER</p> <p>2 time. Don't rush. Show us anywhere where</p> <p>3 it says that in this document.</p> <p>4 A Sure. I believe it says that in</p> <p>5 the next sentence of the next paragraph.</p> <p>6 Q Okay.</p> <p>7 Point us to the language that says</p> <p>8 that.</p> <p>9 A First the paragraph states that the</p> <p>10 standards apply to all the subs, and then it</p> <p>11 specifically says "References to the Company</p> <p>12 include its subsidiaries and divisions."</p> <p>13 So that is why I say to you, Ken,</p> <p>14 that when the word "the company" appears</p> <p>15 here, if you are a New York Post employee,</p> <p>16 it means The New York Post.</p> <p>17 If you are a HarperCollins</p> <p>18 employee, it means the HarperCollins. If</p> <p>19 you are a News America Marketing employee,</p> <p>20 the phrase "the company" means America</p> <p>21 Marketing, and so on.</p> <p>22 Q But at the end of the day, whether</p> <p>23 you work for The New York Post or Harpers</p> <p>24 Collins, the bottom line is these policies</p> <p>25 were created by News Corporation, correct?</p>	<p>1 JORDAN LIPPNER</p> <p>2 A These policies, for the umpteenth</p> <p>3 time, were as it states adopted by the board</p> <p>4 of directors of News Corporation.</p> <p>5 Q So is it fair to say, Mr. Lippner,</p> <p>6 that the board of directors at News</p> <p>7 Corporation adopted policies that affect the</p> <p>8 workplace at The New York Post?</p> <p>9 A It's fair to say that the board of</p> <p>10 directors of News Corporation adopted</p> <p>11 policies that when accepted by the various</p> <p>12 divisions, and more specifically in this</p> <p>13 case The New York Post, and disseminated to</p> <p>14 its employees, that policy affects those</p> <p>15 employees.</p> <p>16 Q And the term "the Company" includes</p> <p>17 all subsidiaries of News Corporation,</p> <p>18 correct?</p> <p>19 A The term "the Company" means</p> <p>20 whichever company you are employed by.</p> <p>21 Q Show me where it says that in the</p> <p>22 document, Mr. Lippner. Take your time.</p> <p>23 A Ken, Paragraph 2, "References to</p> <p>24 the Company include its subsidiaries."</p> <p>25 Q I understand that. It says "it</p>

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1 JORDAN LIPPNER
 2 Q How do you know she was involved in
 3 putting out the Electronic Communications
 4 Policy that's reflected in this particular
 5 deposition exhibit?
 6 A Because I discussed it with her.
 7 Q Were there any other News Corp.
 8 employees or lawyers who were involved for
 9 putting out the Electronic Communications
 10 Policy?
 11 A Yes.
 12 Q Who else?
 13 A The head of -- the then head of
 14 News Corporation's Information Technology
 15 Department was involved. I was involved.
 16 Q Who was the head --
 17 A I'm sure that general counsel was
 18 involved.
 19 I don't remember who else may have
 20 been involved.
 21 Q I want you to identify the person
 22 you referred to as being a part of the
 23 technical -- I think you said technical --
 24 A I said Information Technology
 25 Department.

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1 JORDAN LIPPNER
 2 something in the policy that a particular
 3 jurisdiction would have made unlawful, that
 4 part of the policy would not have applied to
 5 those employees working at a particular
 6 company in that location.
 7 Q Did News Corporation disseminate
 8 this Electronic Communications Policy to New
 9 York Post employees?
 10 MR. LERNER: Objection.
 11 A No. New York Post disseminated
 12 that policy to its own employees.
 13 Q Did News Corp. disseminate the
 14 Electronic Communications Policy to anyone
 15 at The New York Post to forward on to New
 16 York Post employees?
 17 A Yes.
 18 Q Who at News Corp. disseminated the
 19 Electronic Communications Policy to someone
 20 at The New York Post to distribute to New
 21 York Post employees?
 22 A I don't know.
 23 Q When did the Electronic
 24 Communications Policy get disseminated to
 25 New York Post employees?

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1 JORDAN LIPPNER
 2 Q Who was that?
 3 A I don't recall who that was at the
 4 time.
 5 Q Was he a News Corp. or she a News
 6 Corp. employee?
 7 A I don't recall if he or she was a
 8 News Corp. employee or News America
 9 Incorporated employee.
 10 Q So when you and the other attorney
 11 from News Corp. discussed the Electronic
 12 Communications Policy, was it your
 13 understanding that New York Post employees
 14 had to comply with it?
 15 A It was my understanding that when
 16 the policy was finalized, with one exception
 17 that I'll state, all employees around the
 18 world and including The New York Post and
 19 every subsidiary of News Corporation would
 20 have to comply with the policy. The
 21 exception being that it was -- we couldn't
 22 draft the policy that would take into
 23 account all the restrictions or requirements
 24 under different laws around the world.
 25 And so to the extent that there was

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1 JORDAN LIPPNER
 2 A I don't recall when it was first
 3 promulgated, first created.
 4 Q Well, is it still in effect to this
 5 day?
 6 A Yes.
 7 Q Was it in effect during Sandra
 8 Guzman's employment?
 9 A Perhaps not at the start, but
 10 certainly during her employment, yes.
 11 Q Was she expected to comply with
 12 that policy during her employment?
 13 A I would imagine The New York Post
 14 expected her to comply. That's what this
 15 document says.
 16 Q Was Austin Fenner expected to
 17 comply with this policy when he worked at
 18 the company?
 19 A Same answer.
 20 Q Was Irkimulisa Livingston expected
 21 to comply with this policy?
 22 A Same answer.
 23 Q Were News Corporation employees
 24 expected to comply with the Electronic
 25 Communications Policy when Ms. Guzman worked

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<p>1 JORDAN LIPPNER</p> <p>2 this deposition, can you tell us anything</p> <p>3 that The New York Post E-mail Policy states?</p> <p>4 A No.</p> <p>5 MR. LERNER: Objection.</p> <p>6 Q Mr. Lippner, the next policy listed</p> <p>7 is New York Post Cellphone Policy.</p> <p>8 You see that?</p> <p>9 A I do.</p> <p>10 Q When did that go into effect?</p> <p>11 A I cannot tell you.</p> <p>12 Q Is it still in effect?</p> <p>13 A It is.</p> <p>14 Q Who created that policy?</p> <p>15 A The New York Post.</p> <p>16 Q Who at The New York Post?</p> <p>17 A I cannot tell you.</p> <p>18 Q Did any News Corp. employee have</p> <p>19 any role in creating The New York Post</p> <p>20 Cellphone Policy?</p> <p>21 A No.</p> <p>22 Q How do you know that someone at</p> <p>23 The New York Post created The New York Post</p> <p>24 Cellphone Policy?</p> <p>25 A Because I reviewed it with New York</p>	<p>1 JORDAN LIPPNER</p> <p>2 Post HR.</p> <p>3 Q Who in New York Post HR did you</p> <p>4 review The New York Post Cellphone Policy</p> <p>5 with?</p> <p>6 A I believe it was Amy Saldone.</p> <p>7 Q When did you review The New York</p> <p>8 Post Cellphone Policy with Ms. Saldone?</p> <p>9 A I can't tell you that.</p> <p>10 Q What year?</p> <p>11 A I just said I can't tell you that.</p> <p>12 Q Tell us what The New York Post</p> <p>13 Cellphone Policy says.</p> <p>14 A I already told you I can't tell you</p> <p>15 what it says.</p> <p>16 Q No, you didn't tell me that. We</p> <p>17 talked about The New York Post E-mail</p> <p>18 Policy, and that's a different policy.</p> <p>19 A And that was one of the first</p> <p>20 questions, Mr. Thompson, to me when you</p> <p>21 moved on was what does it say, and I and</p> <p>22 said to you I don't recall what it says.</p> <p>23 And I will reiterate, if you would</p> <p>24 like to provide me with copy of the</p> <p>25 document, I'd be happy to discuss what it</p>
Page 320	Page 321
<p>1 JORDAN LIPPNER</p> <p>2 says.</p> <p>3 Q Mr. Lippner, you are the 30(b)(6)</p> <p>4 witness who knows these policies very well,</p> <p>5 correct?</p> <p>6 MR. LERNER: Objection.</p> <p>7 Q Yes.</p> <p>8 A Is there a question?</p> <p>9 Q Yes.</p> <p>10 A What's the question?</p> <p>11 MR. THOMPSON: Can you read it</p> <p>12 back.</p> <p>13 (Requested portion of record read:</p> <p>14 "Q. Mr. Lippner, you are the</p> <p>15 30(b)(6) witness who knows these policies</p> <p>16 very well, correct?")</p> <p>17 (End of read-back.)</p> <p>18 A Mr. Thompson, what I'm is a</p> <p>19 30(b)(6) witness who can tell you which</p> <p>20 policies apply to The New York Post</p> <p>21 employees and which policies apply to News</p> <p>22 Corporation employees.</p> <p>23 That is why I'm here today. I'm</p> <p>24 not here so that I can give you a recital of</p> <p>25 the substance of each such policy.</p>	<p>1 JORDAN LIPPNER</p> <p>2 Q I'm not asking you to give me a</p> <p>3 recital of the substance of each such</p> <p>4 policy. I'm asking you as 30(b)(6) witness</p> <p>5 to tell us one thing The New York Post</p> <p>6 Cellphone Policy says.</p> <p>7 MR. LERNER: And what is the</p> <p>8 relevance of what the cellphone</p> <p>9 policy says to this matter?</p> <p>10 MR. THOMPSON: Because the</p> <p>11 relevance, Mr. Lerner, this witness</p> <p>12 was supposed to come here with</p> <p>13 knowledge of employee policies, and</p> <p>14 he is completely clueless.</p> <p>15 MR. LERNER: No, that's not an</p> <p>16 answer to what the relevance is.</p> <p>17 MR. THOMPSON: I'm answering</p> <p>18 your question. You may not like my</p> <p>19 answer.</p> <p>20 This is a witness who has an</p> <p>21 obligation to sit here and answer</p> <p>22 questions about the application of</p> <p>23 The New York Post employment policies.</p> <p>24 He's got to know what those policies say.</p> <p>25 MR. LERNER: I disagree with</p>

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1 JORDAN LIPPNER
 2 A I do. And he did.
 3 Q Who was if at the time?
 4 A Lon Jacobs.
 5 Q Do you know if anyone at News
 6 Corporation approved The New York Post
 7 E-mail Policy before it was put into effect?
 8 A No one at News Corporation had
 9 anything to do with The New York Post E-mail
 10 Policy.
 11 Q Do you know if anyone at News
 12 Corporation approved The New York Post
 13 Cellphone Policy before it was put into
 14 effect?
 15 A No one at News Corporation had
 16 anything to do with The New York Post
 17 Cellphone Policy.
 18 Q Do you know if anyone at News
 19 America Incorporated approved The New York
 20 Post E-mail Policy before it was put into
 21 effect?
 22 A Same answer. No one at News
 23 America Incorporated had anything to do with
 24 The New York Post E-mail Policy.
 25 Q Same question regarding The New

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1 JORDAN LIPPNER
 2 Management Policy was created by News
 3 Corporation.
 4 I know that Genie Gavenchak, Ellen
 5 Agress, the group general counsel were
 6 involved in creating and finalizing the
 7 policy. There may have been other people.
 8 I know that, for example -- I
 9 believe I contributed, for example, to
 10 giving them reference for how long you need
 11 to keep employment-related documents based
 12 on relevant stats at issue.
 13 Whether there is a business
 14 executive at News Corp. who had the final
 15 say or it was the group general counsel's
 16 final say, I can't answer that question.
 17 Q Besides your involvement, do you
 18 know if any other News America Incorporated
 19 employee was involved in the creation of the
 20 News Corporation Records Management Policy?
 21 A I do not.
 22 Q Do you know if that particular
 23 policy is still in effect today?
 24 A It is.
 25 Q And does that policy apply to New

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1 JORDAN LIPPNER
 2 York Post Cellphone Policy.
 3 A No one at News America Incorporated
 4 had any approval -- involvement with The New
 5 York Post Cellphone Policy.
 6 Q Do you know if there had been
 7 different versions of The New York Post
 8 Cellphone Policy distributed to New York
 9 Post employees?
 10 A I do not.
 11 Q Now, looking at this Exhibit Bates
 12 stamped NYP-97, it also states "News
 13 Corporation Records Management Policy."
 14 Do you know if that policy was ever
 15 put into effect?
 16 A I do.
 17 Q Do you know when the News
 18 Corporation Records Management Policy became
 19 effective?
 20 A I don't.
 21 Q Do you know if any News Corporation
 22 employee approved the News Corporation
 23 Records Management Policy before it became
 24 effective?
 25 A I know the News Corporation Record

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1 JORDAN LIPPNER
 2 York Post employees?
 3 A I believe that the News Corporation
 4 Records Management Policy applies to News
 5 Corporation as well as to all of its wholly
 6 owned subsidiaries.
 7 Q Do you know if this News
 8 Corporation Records Management Policy was in
 9 effect during Ms. Guzman's employment as an
 10 associate editor?
 11 A When Ms. Guzman was employed by
 12 The Post as an associate editor, I believe
 13 that this policy -- I'm not a hundred
 14 percent positive. I believe that it was
 15 promulgated towards the end of her
 16 employment at The Post but I'm not positive.
 17 I'd be happy to give you a
 18 supplemental answer on that if you would
 19 like.
 20 Q Who has responsibility for
 21 enforcing News Corporations Record
 22 Management Policy?
 23 A Again, that's a company-by-company
 24 thing.
 25 For News Corporation itself, News

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1 JORDAN LIPPNER

2 Corp. people do. If it was The New York

3 Post it would be somebody at The New York

4 Post or multiple people. It's up to each

5 company to designate people who are in

6 charge of the records management.

7 Q You see where it says "New York

8 Post Travel and Entertainment Policy"?

9 A I do.

10 Q Is that a policy currently in

11 effect?

12 A It is.

13 Q How long has it been in effect?

14 A I couldn't tell you.

15 Q Was it in effect during

16 Ms. Guzman's employment as an associate

17 editor?

18 A Yes. Ms. Guzman was employed at

19 The New York Post as an associate editor

20 when The New York Post T & E Policy was

21 definitely in effect.

22 Q Do you know who approved the Travel

23 and Entertainment Policy before it went into

24 effect?

25 A No, I don't, but I can say that

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1 JORDAN LIPPNER

2 A Not to my knowledge.

3 Q And can you describe, going back to

4 the prior policy, what News Corporation

5 Records Management Policy states, in

6 substance?

7 A It provides time frames for how

8 long different types of documents are to be

9 kept and procedures following the expiration

10 of such documents, of, you know, getting rid

11 of them.

12 Q Do you see, Mr. Lippner, where it

13 says Standards of Business Conduct and there

14 appears to be an asterisk there?

15 A I do.

16 Q Do you see where it says Electronic

17 Communications Policy and it also appears to

18 have an asterisk?

19 A I do.

20 Q You see where it says New York Post

21 Code of Conduct and there is an asterisk?

22 A I do.

23 Q Do you know what that means?

24 A I believe, according to this piece

25 of paper, employees were supposed to sign a

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1 JORDAN LIPPNER

2 News Corporation had no role in its

3 approval.

4 Q Can you describe what The New York

5 Post Travel and Entertainment Policy states,

6 in substance?

7 A In general terms, it speaks to what

8 kind of expenses The Post will approve and

9 procedures for submitting expenses and

10 getting reimbursed by The Post for incurring

11 expenses on the company's behalf in the

12 course of performing one's job duties.

13 Talks about acquiring certain kinds

14 of documentation.

15 It's a fairly detailed policy.

16 Generally speaking, that's what it speaks

17 to.

18 Q Did you review The New York Post

19 Travel and Entertainment Policy before it

20 was put into effect?

21 A I don't believe so.

22 Q Did anyone at News America

23 Incorporated review The New York Post Travel

24 and Entertainment Policy before it became

25 effective?

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1 JORDAN LIPPNER

2 form that was attached to those three

3 documents and return it to Human Resources.

4 Q Do you know who in Human Resources

5 would have had responsibility for collecting

6 those forms from employees?

7 A At The New York Post?

8 Q Yes.

9 A I don't know which Human Resources

10 professional had that responsibility, no.

11 Q I want to direct your attention to

12 the next document listed, New York Post Code

13 of Conduct.

14 Do you see that?

15 A I do.

16 Q What is that particular document?

17 A It's a -- I believe it's a one-page

18 document that -- it's not all inclusive, but

19 it purports to describe a bunch of different

20 kinds of misconduct that an employee can

21 engage in, and if that employee engages in

22 such conduct, it's informing that employee

23 that they will be subject to discipline.

24 Q Is that the same one-page document

25 that you testified earlier that was created

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1 JORDAN LIPPNER
2 for New York Post employees?
3 A It's possible I was confusing the
4 two. I certainly was starting to feel faint
5 at that point in time. But I don't know.
6 Because the other thing I was
7 saying, too, is that I know that one of the
8 other companies, FOX Television Stations,
9 for example, I know that they have a
10 stand-alone also and I don't know if I was
11 confusing The Post with them or not.
12 But FOX Television is one of my
13 clients as well.
14 Q So as you are sitting here now with
15 your head clearing, I want you to tell us if
16 The New York Post Code of Conduct is the
17 one-page document that you were referring to
18 earlier?
19 A It may have been. You know, and if
20 you would like I'm happy to provide you a
21 supplemental interrogatory answer on that
22 after tonight. I'm just not a hundred
23 percent positive.
24 MR. THOMPSON: Mr. Lerner, we
25 don't believe that we have been given

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1 JORDAN LIPPNER
2 A For the folks that are -- the
3 employees at The Post that work at 1211, I
4 think there's only one. But then for the
5 employees who work up at the plant in
6 The Bronx, there are a few different ones
7 and it depends which union you are in which
8 code of conduct applies to you.
9 Q Do you know who approved The New
10 York Post Code of Conduct before it was
11 disseminated to employees?
12 A I don't know for a fact as I sit
13 here tonight. I know that it was developed
14 by Human Resources at The New York Post.
15 I believe it was given final
16 signoff by Paul Carlucci, the publisher of
17 The Post.
18 And once that final signoff
19 occurred, it was then put into use.
20 Q Do you know if any lawyer at News
21 Corporation played any role in the creation
22 of The New York Post Code of Conduct?
23 A I don't think any News Corporation
24 lawyer played a role in the Code of Conduct.
25 Q But do you know if any News

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1 JORDAN LIPPNER
2 The New York Post Code of Conduct,
3 the one-page document.
4 If you have, can you just tell us
5 the Bates Number so we can double-check.
6 MR. LERNER: We have.
7 MR. THOMPSON: That's fine.
8 BY MR. THOMPSON:
9 Q When did The New York Post Code of
10 Conduct go into effect?
11 A That I'm not entirely sure.
12 The Post has a couple of different
13 codes of conduct. I believe the one that's
14 referenced on is this page is referring to
15 one that's given to employees who work in
16 The New York Post offices at 1211.
17 I know that the plant where The New
18 York Post newspaper is actually produced,
19 that there are a bunch of different codes of
20 conduct depending on which union you are in.
21 So -- and I know that they've
22 evolved over time, so I'm not exactly sure
23 when this particular one was created.
24 Q How many different New York Post
25 codes of conduct are there?

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1 JORDAN LIPPNER
2 Corporation employee played any role with
3 respect to The New York Post Code of
4 Conduct?
5 A No News Corporation employee played
6 a role with The New York Post Code of
7 Conduct.
8 Q How about any News America
9 Incorporated employee?
10 A Yes.
11 Q Who was that person?
12 A That would be me.
13 Q What role did you play with respect
14 to The New York Post Code of Conduct?
15 A Well, I'm a lawyer and The Post is
16 one of my clients, and I provided The Post
17 with advice with respect to how the Code of
18 Conduct was worded and what was listed
19 there.
20 Q Did you provide that advice to
21 The New York Post during Ms. Guzman's
22 employment?
23 A I may have. I don't remember
24 exactly when the Code of Conduct was
25 implemented.

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1 JORDAN LIPPNER
 2 when you drafted that policy?
 3 A No.
 4 Q Did anyone at News Corp. play any
 5 role in the creation or approval of the
 6 Family Medical Leave Policy that you
 7 created?
 8 A No.
 9 Q Was there ever any other versions
 10 of the Family Medical Leave Policy
 11 distributed to New York Post employees
 12 during your employment?
 13 A Not that I recall.
 14 Q So there's only one version of the
 15 Family Medical Leave Policy that you know of
 16 that's been distributed to The New York Post
 17 employees?
 18 A I believe that's correct.
 19 Q And is that policy still in effect?
 20 A I believe so.
 21 Q And does it still apply to current
 22 New York Post employees?
 23 A I would think so, yes.
 24 (Lippner Exhibit 13, Family
 25 and Medical Leave Policy, Bates

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1 JORDAN LIPPNER
 2 A I would have no reason to believe
 3 that it's not.
 4 Q So based on your belief that this
 5 policy is likely still in effect, are New
 6 York Post employees covered by this policy?
 7 MR. LERNER: Objection to form.
 8 A As I stated, if The Post is still
 9 using this policy, then this is the one that
 10 covers The New York Post employees.
 11 Q Well, is this the policy that you
 12 recall drafting?
 13 A It definitely is because it says
 14 "News America Incorporated" on it.
 15 The reason I'm just giving you a
 16 slight hesitation in my answer or caveat is
 17 that when I distributed it to the various
 18 wholly owned subsidiaries, my expectation
 19 was that they would use it but they would
 20 actually take off the name News America
 21 Incorporated and put, for example
 22 HarperCollins Publishers or New York Post or
 23 something else on it.
 24 Because News America Incorporated
 25 has nothing to do with whether or not a New

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1 JORDAN LIPPNER
 2 Number NYP-87, was marked for
 3 Identification.)
 4 BY MR. THOMPSON:
 5 Q I'm now showing you what's been
 6 marked as Lippner Exhibit 13, Bates stamped
 7 NYP-87.
 8 It's been provided to us by New
 9 York Post in discovery.
 10 Take a moment to look at it and
 11 tell us if you recognize it.
 12 Is this a document you drafted
 13 for The New York Post employees?
 14 A It's the document I drafted for
 15 News America Incorporated and then I
 16 distributed it to, among other the wholly
 17 owned subsidiaries, The New York Post.
 18 Q Is this the Family and Medical
 19 Leave Policy that governs the employment of
 20 New York Post employees?
 21 A If this is the one they're still
 22 using, the answer is yes.
 23 Q Do you know if this particular
 24 Family Medical Leave Policy is still in
 25 effect or not?

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1 JORDAN LIPPNER
 2 York Post employee takes family medical
 3 leave and has nothing to do with the
 4 approval of that or the denial of that or
 5 the administration of it.
 6 So that's the only reason I'm
 7 giving you a hesitation.
 8 (Lippner Exhibit 14, New York
 9 Post document, Bates Number
 10 NYP-495, was marked for
 11 Identification.)
 12 BY MR. THOMPSON:
 13 Q Mr. Lippner, I'm now going to show
 14 you what is marked as Lippner Deposition
 15 Exhibit 14, Bates stamped NYP-495.
 16 It's a document that The New York
 17 Post produced in discovery in this case.
 18 Please take a moment to look at it and tell
 19 us if you recognize it.
 20 Do you recognize this document?
 21 A I don't.
 22 Q You see at the top says "New York
 23 Post," correct?
 24 A I do.
 25 Q And it says "This is to acknowledge

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1 JORDAN LIPPNER
 2 with her in connection with any revisions or
 3 changes to the Electronic Communications
 4 Policy after she became a News Corp. lawyer?
 5 A When we did the second iteration, I
 6 was mostly out of the loop. I don't recall
 7 whether or not I may have read it before it
 8 was finalized, but I was not involved in the
 9 editing and drafting of it.
 10 Q Who was involved in editing and
 11 drafting of the second version of this
 12 electronic --
 13 A Ellen Agress.
 14 Q Do you know if she was a News Corp.
 15 attorney at the time?
 16 A I believe she was.
 17 Q Do you see the language in bold
 18 that states "It is imperative and mandatory
 19 that you sign the receipt page and return
 20 that signed receipt page to your HR
 21 representative for placement in your
 22 personnel file"?
 23 A I do.
 24 Q So employees at The New York Post
 25 were required to sign the receipt page

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1 JORDAN LIPPNER
 2 Turn to the second page of this
 3 document which is Bates stamped NYP-115.
 4 A Sure.
 5 Q Do you see where it says "News
 6 Corporation and affiliated companies"?
 7 A Yes.
 8 Q And it says "October 1, 2002,
 9 Electronic Communications Policy"?
 10 A Yes, sir.
 11 Q So is it your understanding that
 12 when it states "News Corporation and
 13 affiliated companies" that this Electronic
 14 Communications Policy is a News Corporation
 15 policy?
 16 A No. It's my understanding that
 17 this is a policy that applies to -- well, at
 18 the time the company was technically called
 19 News Corporation Limited and that it applied
 20 to the News Corporation Limited as well as
 21 all of its US subsidiaries and affiliates,
 22 as it goes on to say in the first sentence
 23 there. And then it lists a bunch of them
 24 that it applied to in a nonexclusive list.
 25 Q At one point News Corporation was

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1 JORDAN LIPPNER
 2 acknowledging that they got a copy of this
 3 Electronic Communications Policy, correct?
 4 A Well, they were supposed to.
 5 Q And it also goes on to say
 6 "Violations of the policy may result in
 7 disciplinary action up to and including
 8 immediate discharge."
 9 Do you see that?
 10 A I don't. Can you tell me where
 11 you're reading?
 12 Q It's in the fourth paragraph.
 13 A I do, okay. I see that.
 14 Q Do you know who -- strike that.
 15 Do you know who would make the
 16 determination about whether disciplinary
 17 action should be taken against an employee
 18 who violated this policy?
 19 A Well, if, for example, we're
 20 speaking about a New York Post employee who
 21 violated the policy, the decision-makers
 22 would be New York Post employees.
 23 We don't -- there is no
 24 intercompany decision-making process.
 25 Q Okay.

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1 JORDAN LIPPNER
 2 called News Corporation Limited?
 3 A Yes. Back when it was an
 4 Australian corporation.
 5 Q How long -- strike that.
 6 Did there come a time when News
 7 Corporation was no longer considered News
 8 Corporation Limited?
 9 A Yes.
 10 Q When did that happen?
 11 A I'm going to venture to say around
 12 2004. It was approximately 2004.
 13 The company -- News Corporation
 14 Limited reincorporated as a US corporation
 15 and eventually the name was changed to just
 16 News Corporation.
 17 Q If an employee saw another employee
 18 using the electronic communications system
 19 in an improper manner, could they complain
 20 to Jan Constantine at the time?
 21 MR. LERNER: Objection.
 22 A I don't believe that that's --
 23 before I answer it, let me take a look at
 24 the policy.
 25 Q Look at Page Bates stamp NYP-1154

<p style="text-align: right;">Page 374</p> <p>1 JORDAN LIPPNER</p> <p>2 Q When she was a lawyer for News</p> <p>3 Corporation?</p> <p>4 A Exactly.</p> <p>5 Q Do you know if anyone in News</p> <p>6 Corporation approved this document before it</p> <p>7 was disseminated to New York Post employees?</p> <p>8 A No one at News Corporation</p> <p>9 disseminated this policy to New York Post</p> <p>10 employees.</p> <p>11 It was distributed to New York Post</p> <p>12 employees by The New York Post.</p> <p>13 Q But my question is: Do you know if</p> <p>14 there was any News Corp. employee who</p> <p>15 approved this document before it was</p> <p>16 disseminated to New York Post employees?</p> <p>17 A I don't know who at News</p> <p>18 Corporation would have given the final</p> <p>19 signoff, but I do know that Ellen Agress was</p> <p>20 heading up the revisions on it.</p> <p>21 Q What role did Ellen Agress play</p> <p>22 with respect to this particular version of</p> <p>23 News Corporation's Electronic Communications</p> <p>24 Policy?</p> <p>25 A My recollection is she was the one</p>	<p style="text-align: right;">Page 375</p> <p>1 JORDAN LIPPNER</p> <p>2 who was streamlining the policy and making</p> <p>3 the changes to it.</p> <p>4 And as you can see, I believe it's</p> <p>5 shorter, more concise than the previous</p> <p>6 policy we had looked at, and I think that</p> <p>7 was one of the goals she had set out to edit</p> <p>8 it was to -- I think I had testified earlier</p> <p>9 today about cutting down duplication and</p> <p>10 there had been some duplication.</p> <p>11 Q Since Ms. Guzman worked as an</p> <p>12 associate editor for The Post in July 2006,</p> <p>13 was this Electronic Communications Policy</p> <p>14 applicable to her employment?</p> <p>15 A If The Post distributed to its</p> <p>16 employees, then yes.</p> <p>17 Q Do you know if The Post distributed</p> <p>18 this policy to its employees?</p> <p>19 A I don't. I know that The Post was</p> <p>20 supposed to have done so. I can't testify</p> <p>21 for sure that it did.</p> <p>22 Q Tell us as a 30(b)(6) witness for</p> <p>23 The New York Post what electronic</p> <p>24 communications policy applied to New York</p> <p>25 Post employees in 2006.</p>
<p style="text-align: right;">Page 376</p> <p>1 JORDAN LIPPNER</p> <p>2 A I believe it's this one.</p> <p>3 But again, it would have been that</p> <p>4 Amy Saldone or somebody else at The New York</p> <p>5 Post distributed it to New York Post</p> <p>6 employees.</p> <p>7 No one at News Corporation took it</p> <p>8 upon themselves to distribute it to New York</p> <p>9 Post employees.</p> <p>10 Q As you sit here today as a 30(b)(6)</p> <p>11 witness for The New York Post, what</p> <p>12 electronic communications policy applies to</p> <p>13 current New York Post employees?</p> <p>14 A I believe it's this one.</p> <p>15 Q Now, Mr. Lippner, do you know if</p> <p>16 The New York Post and News Corp. used the</p> <p>17 same travel agency when employees had to</p> <p>18 travel for business at any point during your</p> <p>19 employment?</p> <p>20 A I believe for economies of scale,</p> <p>21 yes, News Corp. has arranged for a travel</p> <p>22 company -- one travel company where we get</p> <p>23 increased buying power because more people</p> <p>24 are using it through the different wholly</p> <p>25 owned subsidiaries, and I think it's called</p>	<p style="text-align: right;">Page 377</p> <p>1 JORDAN LIPPNER</p> <p>2 HRG Worldwide.</p> <p>3 Q How long has HRG Worldwide been the</p> <p>4 travel company for News Corp. and The New</p> <p>5 York Post?</p> <p>6 A I don't know the answer to that</p> <p>7 question.</p> <p>8 Q Was it the travel company for the</p> <p>9 News Corp. and The New York Post when Sandra</p> <p>10 Guzman worked as an associate editor?</p> <p>11 A I think so.</p> <p>12 Q Do you know which entity, News</p> <p>13 Corp. or The New York Post -- strike that.</p> <p>14 Do you know which entity paid this</p> <p>15 travel agency for the services it performed</p> <p>16 for News Corp. and New York Post employees?</p> <p>17 A Yes.</p> <p>18 Q What entity paid?</p> <p>19 A News Corp. pays for the travel of</p> <p>20 its employees, and The New York Post pays</p> <p>21 for the travel of its employees.</p> <p>22 Q So is it your testimony that News</p> <p>23 Corporation provides separate -- pays</p> <p>24 separate invoices from this travel agency</p> <p>25 than The New York Post?</p>

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1 JORDAN LIPPNER
 2 MR. LERNER: Objection.
 3 A I'm not sure I understand the
 4 question.
 5 Q I'll rephrase it.
 6 As you testified, there's one
 7 travel agency that News Corp. employees and
 8 The New York Post employees use, correct?
 9 A I did.
 10 Q Now my question to you is: Do you
 11 know if that travel agency sends its bills
 12 for its travel-related services to News
 13 Corp. or The New York Post?
 14 A It depends on what services we're
 15 talking about.
 16 If it's for services that were
 17 provided to New York Post employees, then
 18 The New York Post pays those bills.
 19 If it was for services that News
 20 Corporation employees were provided with,
 21 then News Corporation pays those bills.
 22 Q How do you know that The New York
 23 Post pays this travel agency directly for
 24 services provided for New York Post
 25 employees?

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1 JORDAN LIPPNER
 2 traveling.
 3 Q I'm asking you as you sit here, do
 4 you know for a fact that you've seen a bill
 5 from this travel agency sent to News
 6 Corporation?
 7 A As I sit here, I can't a hundred
 8 percent say yes.
 9 Q So is it your testimony, then, when
 10 you travel News Corporation pays the travel
 11 agency for your travel?
 12 A No. News America Incorporated
 13 does.
 14 Q I'm asking about News Corporation.
 15 As you sit here today, have you ever seen a
 16 bill from the travel agency sent to News
 17 Corporation for any travel arrangement that
 18 it arranged for News Corp. employees?
 19 A No.
 20 Q Who made the decision to use one
 21 travel agency for News Corp. and The New
 22 York Post employees?
 23 MR. LERNER: Objection.
 24 A I have no idea when or how the
 25 arrangement originally started, but also as

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1 JORDAN LIPPNER
 2 A I'm sorry. Can you repeat that?
 3 Q Well, you said that The New York
 4 Post pays the invoices it receives from this
 5 travel agency for travel that it helped
 6 arrange for New York Post employees,
 7 correct?
 8 A Uh-huh.
 9 Q How do you know that?
 10 A Because The New York Post maintains
 11 a separate financial operation than News
 12 Corporation.
 13 New York Post operates as -- you
 14 know, it's an independent company that
 15 ultimately is wholly owned by News
 16 Corporation. But The New York Post gets
 17 bills for all of the expenses that it incurs
 18 in the course of its operations and it pays
 19 for those bills.
 20 Q Have you ever seen a bill from this
 21 travel agency sent to The New York Post?
 22 A No.
 23 Q Have you ever seen a bill from this
 24 travel agency sent to News Corp.?
 25 A I probably have for my own

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1 JORDAN LIPPNER
 2 I testified earlier it's not just for
 3 The New York Post but it's for a lot of
 4 different companies that News Corporation
 5 wholly owns.
 6 Q Do you know who made the decision
 7 to use this travel agency for any of News
 8 Corporation's companies?
 9 A I don't know who selected it.
 10 (Lippner Exhibit 18, Travel
 11 document, Bates Numbers NYP-3894
 12 through NYP-3900, was marked for
 13 Identification.)
 14 Q Mr. Lippner, I'm showing you now
 15 what's been marked as Lippner Deposition
 16 Exhibit 18, NYP-3894 through 3900.
 17 I'll represent to you this is a
 18 document that was produced by New York Post
 19 in discovery in this case.
 20 Please take a moment to review it
 21 and tell us if you recognize it.
 22 MR. LERNER: There's some
 23 handwritten notations on this
 24 document.
 25 I'd like to consult with my client

<p style="text-align: right;">Page 382</p> <p>1 JORDAN LIPPNER</p> <p>2 about them, make sure that I</p> <p>3 understand --</p> <p>4 MR. THOMPSON: Go ahead. Let's</p> <p>5 take a break. Sure.</p> <p>6 MR. LERNER: Very short break.</p> <p>7 MR. THOMPSON: Okay.</p> <p>8 THE VIDEOGRAPHER: The time is</p> <p>9 7:16 p.m. Off the record.</p> <p>10 (A brief recess was</p> <p>11 taken.)</p> <p>12 THE VIDEOGRAPHER: The time is</p> <p>13 7:27 p.m. We're on the record.</p> <p>14 BY MR. THOMPSON:</p> <p>15 Q Mr. Lippner, does News Corporation</p> <p>16 maintain a business bank account?</p> <p>17 A I don't understand the question.</p> <p>18 Q News Corporation, does it maintain</p> <p>19 a business bank account as a corporation?</p> <p>20 A It has its own bank account.</p> <p>21 Q Where, in what bank does News Corp.</p> <p>22 maintain its business bank account?</p> <p>23 A I don't know which bank it is.</p> <p>24 Q Does New York Post have a business</p> <p>25 bank account?</p>	<p style="text-align: right;">Page 383</p> <p>1 JORDAN LIPPNER</p> <p>2 A Yes.</p> <p>3 Q What bank does The New York Post</p> <p>4 maintain its business bank account?</p> <p>5 A I don't know the name of the bank.</p> <p>6 Q Mr. Lippner, as the 30(b)(6)</p> <p>7 witness for News Corp. and The New York</p> <p>8 Post, why don't you know where News Corp.</p> <p>9 maintains its business bank account?</p> <p>10 MR. LERNER: Objection.</p> <p>11 Your 30(b)(6) Deposition Notice</p> <p>12 states, on 4, if that's the one are focus</p> <p>13 on --</p> <p>14 MR. THOMPSON: No, I'm not.</p> <p>15 I'm focused on Item 1,</p> <p>16 Interrelatedness of the companies.</p> <p>17 MR. LERNER: How the operations</p> <p>18 of the companies are related.</p> <p>19 MR. THOMPSON: That's right and</p> <p>20 banking is part of the operations.</p> <p>21 MR. LERNER: I would disagree.</p> <p>22 MR. THOMPSON: You can disagree</p> <p>23 all you want. It's clear in terms of</p> <p>24 the Dep Notice.</p> <p>25 BY MR. THOMPSON:</p>
<p style="text-align: right;">Page 384</p> <p>1 JORDAN LIPPNER</p> <p>2 Q Mr. Lippner, is it your testimony</p> <p>3 that you have absolutely no idea --</p> <p>4 MR. LERNER: Objection. You</p> <p>5 are not going to harass and badger</p> <p>6 the witness with terms like "you have</p> <p>7 absolutely no idea" and as the</p> <p>8 30(b)(6) witness, which you have done</p> <p>9 repeatedly during the course of this</p> <p>10 deposition.</p> <p>11 If you have a question to ask him</p> <p>12 about the scope of his knowledge, please</p> <p>13 ask it to him in a professional and even</p> <p>14 manner.</p> <p>15 MR. THOMPSON: I asked you to</p> <p>16 lower your voice, Mr. Lippner. I</p> <p>17 know it's late, but just remain calm.</p> <p>18 MR. LERNER: My voice wasn't</p> <p>19 raised.</p> <p>20 MR. THOMPSON: State your</p> <p>21 objection. Don't raise your voice.</p> <p>22 MR. LERNER: My voice wasn't</p> <p>23 raised.</p> <p>24 Q Mr. Lippner, does News Corporation</p> <p>25 have a system in place for paying employees</p>	<p style="text-align: right;">Page 385</p> <p>1 JORDAN LIPPNER</p> <p>2 their salaries?</p> <p>3 MR. LERNER: Objection.</p> <p>4 A News Corporation pays its employees</p> <p>5 salaries.</p> <p>6 I'm not -- I don't really</p> <p>7 understand the question.</p> <p>8 Q Let me ask it differently.</p> <p>9 How does News Corporation go about</p> <p>10 paying salaries of its employees?</p> <p>11 MR. LERNER: Objection.</p> <p>12 A It issues paychecks from its</p> <p>13 Payroll Department.</p> <p>14 Q Do you know or are you guessing?</p> <p>15 A I'm telling you that there's a</p> <p>16 Payroll Department and Payroll Department</p> <p>17 pays paychecks.</p> <p>18 I'm not really sure what you are</p> <p>19 asking me.</p> <p>20 Q Do you know if News Corp. pays</p> <p>21 employees their salaries by making direct</p> <p>22 deposit to an employee's bank account?</p> <p>23 A If an employee signs up for direct</p> <p>24 deposit.</p> <p>25 Q What company does News Corp. use to</p>

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1 JORDAN LIPPNER
 2 make the direct deposit payments to
 3 employees' bank accounts?
 4 A I don't understand the question.
 5 Q Well, do you know if News Corp.
 6 makes direct deposit payments to employees
 7 when they pay them their salary?
 8 A What I know is that a company
 9 called ADP is used.
 10 Q Okay.
 11 A And people will get either hard
 12 copy paychecks or they will get direct
 13 deposit paychecks if they have signed up for
 14 direct deposit.
 15 Q And do you know if this company ADP
 16 also makes -- strike that.
 17 Do you know if The New York Post
 18 also uses ADP to pay its employees their
 19 salaries?
 20 A I believe that The New York Post
 21 does use ADP.
 22 Q How long has News Corp. and The New
 23 York Post both used ADP to pay employees
 24 their salaries?
 25 A I don't know the answer to that

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1 JORDAN LIPPNER
 2 Q Well, do you know if there's one
 3 individual at ADP who is responsible for
 4 paying the salaries to News Corp. and
 5 salaries to New York Post employees?
 6 MR. LERNER: Objection.
 7 A No, I don't.
 8 Q Do News Corp. and The New York
 9 Post -- strike that.
 10 Do you know if News Corp. and
 11 The New York Post use any companies in
 12 common with respect to health benefits given
 13 to their employees?
 14 A Yes.
 15 Q What companies do News Corp. and
 16 The Post share in common with respect to
 17 employee health benefits?
 18 A News America Incorporated has on
 19 behalf of News Corporation, News America
 20 Incorporated, FOX Television -- I believe
 21 FOX Television, I'm pretty sure it's FOX
 22 Television, HarperCollins Publishers, News
 23 America Marketing -- there may be others --
 24 has gone out and purchased health insurance
 25 plans using the economy of scale for

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1 JORDAN LIPPNER
 2 question.
 3 Q When did News Corp. first start
 4 using ADP to start paying its employees
 5 their salaries?
 6 A I don't know the answer to that
 7 question.
 8 Q When did The New York Post first
 9 start using ADP to pay its employees their
 10 salaries?
 11 A I don't know the answer to that
 12 question.
 13 Q Who made the decision to use ADP to
 14 pay the salaries of News Corp. employees?
 15 MR. LERNER: Objection.
 16 A I don't know specifically who, but
 17 I can tell you it would have been a News
 18 Corporation employee. And likewise, I can
 19 tell you that when The New York Post decided
 20 to go with ADP, it would have been The New
 21 York Post making that decision.
 22 Q I want you to identify The New York
 23 Post employee who made the decision to use
 24 ADP to pay The New York Post salaries.
 25 A I can't.

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1 JORDAN LIPPNER
 2 bringing in the purchasing power of all of
 3 the employees of all these wholly owned subs
 4 to lower the costs of getting health
 5 insurance for everybody.
 6 And that News America Incorporated
 7 purchases and sets up these plans, and then
 8 they are then available for the different
 9 subsidiaries, and in one case the parent
 10 company, to participate either exactly as
 11 News America Incorporated has set it up for
 12 its own employees or to modify the plan.
 13 You know, whether it's tweaking what the
 14 plan offers or adjusting what the rates are
 15 for the employee to participate and purchase
 16 that health insurance.
 17 But that what's done, so there's a
 18 couple health insurance plans that News
 19 America Incorporated has purchased. In
 20 these schemes that I've discussed I think
 21 there's a United Healthcare plan.
 22 There may be more but that's
 23 generally how it works.
 24 Q So is it your understanding,
 25 Mr. Lippner, that News Corp. employees and

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JORDAN LIPPNER

New York Post employees share the same healthcare company with respect to some of their benefits?

A I believe that Aetna plans and United Healthcare plans are available to News Corp. employees, to News America employees, HarperCollins employees, yes.

Q How long have News Corp. and New York Post employees been allowed to use the same health plans, as far as you know?

A News America Incorporated has been purchasing on behalf of others, meaning other companies that are wholly owned by News Corp., for many years.

Definitely dating back to the time when your clients were employed.

And again, it's up to each individual company if they just want to participate in the same way that News America Incorporated does or if they want to alter the plan and set it up for themselves.

Q Do you know if News Corp. employees share the same life insurance company with New York Post employees?

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JORDAN LIPPNER

MR. LERNER: Objection.

A I don't.

Q Now, when Ms. Guzman worked at the company, did News Corp. employees and New York Post employees also share the same healthcare plans with Aetna and United Healthcare?

A Well, again, I'm not sure what you mean when you say "share."

You know, these are plans that exist that Aetna offers to millions of people.

News America Incorporated has purchased plans that offer, for example, News America Incorporated employees a handful of choices, different choices of benefits at different costs, and News America Incorporated for its employees, which includes me, sets the rates of participation.

The New York Post can choose to take that exact plan and offer it to its people, it can modify it if it wants to and it can change the rates.

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JORDAN LIPPNER

And that structure has been going on for years.

Q Was that structure in place before Ms. Guzman started working as an associate editor?

A I can't say for sure that it was in place before she started. I believe -- I'm not exactly positive when it began. I know that it definitely was in place while she was employed.

Q Is that structure still in place to this day?

A Yes.

Q Do you know who made the decision to have News America Incorporated purchase these health benefit plans for News Corp. and its subsidiaries?

MR. LERNER: Object to form.

A I don't -- I believe that decision was made before I started. And assuming I'm correct about that, that would actually answer your prior question which means it did start before your client started.

But again, it was a decision that

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JORDAN LIPPNER

was based on economies of scale, that the buying power for lots and lots of employers would lower the cost for everybody.

And that's why it was done as opposed to just letting each individual wholly owned subsidiary fend for itself and purchase on the phone health insurance which would have in the end cost each individual company more money, cost all the employees more money, and in the end put a drain on the whole company going up to News Corporation as a whole.

Q I want to now direct your attention to Deposition Exhibit 18.

A Yes, sir.

Q Do you see where it says Section 2, Designated Agency?

A I do.

Q It says "All employees are required to use the News Travel online booking system or, as a second choice, the corporate travel agents listed below to handle all business travel arrangements."

Do you see that?